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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Azerbaijan

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I. Preparation of the report

1. A working group consisting of representatives of government bodies and the Presidential Council on State Support for NGOs was set up pursuant to a Presidential Order of 6 September 2017 to prepare the third national report of Azerbaijan in the framework of the universal periodic review mechanism. The Order also provided for representatives of the Office of the Procurator General and the Office of the Commissioner for Human Rights (the Ombudsman) to take part in the work of the working group. The Ministry of Foreign Affairs coordinated preparation of the report.

2. In conformity with decision No. 17/119 of the United Nations Human Rights Council on follow-up to resolution 16/21 of the Human Rights Council on the universal periodic review, the third national report contains information on the implementation of the recommendations accepted during the second review, as well as on recent achievements in the promotion and protection of human rights in the country.

3. In 2016, an interim report on implementation of the recommendations accepted during the country's second review cycle under the universal periodic review mechanism was submitted to the Office of the United Nations High Commissioner for Human Rights.

4. The draft of the third national report was posted on the Ministry of Foreign Affairs website for comment from civil society and NGOs.

II. Measures taken in the area of human rights and implementation of recommendations

Cooperation with international human rights mechanisms

5. In 2013, Azerbaijan extended a standing invitation to all the special procedures of the Human Rights Council.

6. The following visits have taken place in the past four years:

- 26 November–5 December 2013: visit of the Special Rapporteur on violence against women, its causes and consequences
- 19–24 May 2014: visit of the Special Rapporteur on the human rights of internally displaced persons
- 16–24 April 2015: visit of a delegation from the Subcommittee on Prevention of Torture
- 16–25 May 2016: visit of the Working Group on Arbitrary Detention
- 14–22 September 2016: visit of the Special Rapporteur on the situation of human rights defenders
- 29 March–8 April 2016: visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- 3–7 July 2017: visit of the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities
- It had been agreed that the Special Rapporteur on the human rights to safe drinking water and sanitation would visit the country in February 2015; at the request of the Rapporteur, the visit was cancelled owing to the tight schedule
- The Azerbaijani side proposed that the Special Rapporteur on the rights to freedom of peaceful assembly and of association should visit the country in November–December 2016; the visit was postponed at the request of the Rapporteur

7. The Government of Azerbaijan has submitted the following reports over the past four years:

- In 2013, it submitted its fifth periodic report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women, which was considered in 2015
- In 2014, it submitted its fourth periodic report on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was considered in 2015
- In 2014, it submitted its combined seventh to ninth periodic reports on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, which were considered in 2016
- In 2014, it submitted its fourth periodic report on implementation of the International Covenant on Civil and Political Rights, which was considered in 2016
- In 2016, it submitted its fourth periodic report on implementation of the Framework Convention for the Protection of National Minorities to the Council of Europe
- In 2017, the Government of Azerbaijan submitted an updated common core document to the Office of the United Nations High Commissioner for Human Rights
- Azerbaijan submits annual reports on implementation of the European Social Charter of the Council of Europe

8. On 6 June 2017, in a statement to the Human Rights Council at its thirty-fifth session, the United Nations High Commissioner for Human Rights named Azerbaijan as one of the 34 countries that had fulfilled their reporting obligations to the United Nations treaty bodies in a timely manner.

Participation in international human rights treaties

9. Since the second review cycle, Azerbaijan has ratified the following international conventions:

- Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms
- The Third Additional Protocol to the European Convention on Extradition
- The Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters
- The Council of Europe Convention on the Prevention of Terrorism
- The Additional Protocol to the Criminal Law Convention on Corruption

10. As regards the accession of the Republic of Azerbaijan to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the International Convention for the Protection of All Persons from Enforced Disappearance, further internal coordination is required.

11. Azerbaijan is not a party to the Rome Statute of the International Criminal Court, but understands that the protection of civilians, respect for human rights and humanitarian law and the fight against impunity for international crimes contribute to the maintenance of international peace and security and thus are the responsibility of the international community as a whole.

12. For that reason, the Republic of Azerbaijan was represented at the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held from 15 June to 17 July 1998 in Rome, and participated in the adoption of the Final Act of the Conference. Azerbaijan continues to observe the activities of the International Criminal Court and is studying thoroughly the possibility of adopting

legal mechanisms for effective cooperation with the Court, to facilitate implementation of the obligations incumbent on the States parties to the Rome Statute.

13. Act No. 146IIIQ on the accession of the Republic of Azerbaijan to the Convention against Discrimination in Education was adopted on 2 October 2006.

Improvement of national legislation

14. Azerbaijan is committed to the principles of the universality, interdependence and indivisibility of all human rights and fundamental freedoms. With the country's international commitments in mind, national legislation is constantly being improved and brought into line with international standards, including with regard to the protection of fundamental human rights and freedoms. The recommendations of the relevant United Nations mechanisms are also taken into account in the process of improving legislation.

15. The following laws and regulations were adopted during the reporting period with the aim of bringing the country's legislation into line with its international obligations:

- The Migration Code (2 July 2013)
- The Code of Administrative Offences (1 March 2016)
- The Mandatory Childhood Health Checks Act (5 March 2013)
- The Act on Business Inspection Procedure and Protection of Business Interests (2 July 2013)
- The Public Participation Act (22 November 2013)
- The Ethical Behaviour of Municipal Employees Act (28 April 2015)
- The Citizens Appeals Act (30 September 2015)
- The Religious Extremism Act (4 December 2015)
- The Preschool Education Act (14 April 2017)
- The Unemployment Insurance Act (30 June 2017)

16. Following a referendum held on 26 September 2016, the Constitution was amended to provide more robust protection for human rights and fundamental freedoms, to establish effective and flexible governance mechanisms and to ensure the effectiveness of the economic reforms implemented.

17. Specifically, the changes included guarantees of protection and respect for human dignity, the prohibition of any abuse of rights, the protection of personal information, the right to fair treatment by public authorities in order to exclude arbitrariness, the civil liability of the State and public servants for harm caused to human rights and freedoms, the right of every individual to an impartial hearing in administrative and judicial review, as well as the possibility of recourse to the courts in respect of the acts or omissions of public authorities, political parties, legal entities, municipalities and public officials.

18. It should be noted that the National Plan of Action for More Effective Protection of Human Rights and Freedoms in the Republic of Azerbaijan remains an integral part of the continued activities related to protecting human rights and freedoms in the country and includes, inter alia, improvements to the legislative and regulatory framework.

19. Under the presidential order approving the Plan, the executive authorities were requested, and the courts and the Office of the Procurator General were recommended, when applying the regulations, to step up their monitoring of compliance with national legislation in the area of human rights protection.

20. The Commissioner for Human Rights (the Ombudsman) coordinates the implementation of the Plan. The Office of the Ombudsman also continues to function as a mechanism for monitoring the protection of human rights and freedoms in the country. The Ombudsman prepares an annual report on the situation of human rights and freedoms and

submits it to the President. The report is also submitted to the Milli Mejlis, the National Assembly.

21. In order to coordinate activities aimed at guaranteeing the rights and freedoms of different categories of the population, the Office of the Ombudsman has a number of specialized advisers working on the rights of prisoners, of refugees and internally displaced persons, of elderly persons, of persons with disabilities, of children, of women and of members of the armed forces, and on combating torture and corruption. The specialized advisers regularly examine national legislation and international legal instruments pertaining to their areas of activities and prepare relevant proposals and plans of action.

Raising human rights awareness, training and education

22. Azerbaijan continues to implement measures to provide professional training and education for public officials, staff of the courts, the Office of the Procurator General and the Office of the Ombudsman, and municipal employees.

23. Under the Council of Europe Action Plan for Azerbaijan 2014–2016, the Academy of Justice, together with the Council of Europe and the European Union, has successfully implemented projects on: Support for Increased Efficiency of the Courts, Improved Training of Judges and Judicial Self-governance in Azerbaijan; and Application of the European Convention on Human Rights and the case law of the European Court of Human Rights in Azerbaijan.

24. In October 2016, the Academy of Justice and the Prison Service, together with the International Committee of the Red Cross (ICRC), held training sessions on the updated Standard Minimum Rules for the Treatment of Prisoners, with the participation of international experts.

25. In January 2017, the Ministry of Justice began a joint project with the Council of Europe on reforming the prison system. The aim of the project is to bring the quality of health care for prisoners and prison staff into line with European standards and best global practices. The project will include skills enhancement for medical staff working in prisons and professional development for guards.

26. Training courses have been held for judges of various courts of first instance in the framework of cooperation between Azerbaijan and the European Programme for Human Rights Education for Legal Professionals (HELP). In 2017, the Council of Europe and the Academy of Justice jointly organized further training courses for staff of a number of different courts on article 6 (right to a fair trial) and article 14 (prohibition of discrimination) of the European Convention on Human Rights.

27. Regular training courses are held on the study and application of European Court case law, with the participation of international experts.

28. From time to time, the Ministry of Internal Affairs develops curricula and teaching materials on human rights. More than 80 per cent of the training carried out locally concerns human rights and freedoms.

29. The State Migration Service Training Centre organizes training courses for staff of the various government departments on the human rights of migrants, the prohibition of torture, violence and inhuman treatment and the necessary measures to be taken in this area. A total of 35 training courses on human rights were run by the State Migration Service alone over the reporting period.

30. As part of its outreach programme, the Central Election Commission focuses on raising awareness among young people and first-time voters and, in conjunction with the relevant State bodies and civil society institutions, organizes various seminars and training sessions to encourage active participation in elections.

31. Each year, the Committee on the Family, Women and Children organizes activities in conjunction with State bodies and NGOs to raise awareness of human rights among public officials and professionals, including through the media.

Civil and political rights

Freedom of thought and expression, freedom of information

32. The promotion of freedom of thought and expression and the freedom of information are key in building a State based on the rule of law and civil society in Azerbaijan. Government information policy is directed at ensuring consistent and comprehensive guarantees of the constitutionally recognized freedom of thought and expression and the right of citizens to receive information.

33. In conformity with article 50 of the Constitution, State censorship of the media, including the press, is prohibited.

34. Freedom of thought and expression is guaranteed by the Constitution and other relevant legislation. In order to ensure the effective exercise of this right, the Government has initiated various measures to guarantee the freedom of the media and to strengthen their financial and technical resources. The measures include reduced taxation on the media, the provision of loans, payment of their debt from the State budget and direct financial support.

35. The Government regularly provides financial assistance from the State budget to the Presidential State Fund to Support the Development of the Media. Financial support is allocated primarily for the development of freedom of thought, expression and information, to support the independence of the media, for professional development for journalists, to strengthen their social protection, and to fund projects and programmes aimed at the development and improvement of their work.

36. There are currently more than 5,000 media outlets in Azerbaijan. Another relevant factor is the rapid growth in the number of Internet users in the country, which now exceeds 78 per cent of the total population.

37. It should be noted that the Broadcasting Act regulates the legal, economic and organizational foundations of television and radio broadcasting with the aim of guaranteeing every person the freedom of information, opinion and speech and the right to open and free discussion. The Act has been examined by Council of Europe experts and found to be consistent with international standards. Foreign radio stations are not banned from broadcasting in Azerbaijan and are barred only from national frequencies. The aim of this is to promote the development of local media and, to that end, priority access to broadcasting on national frequencies is given to local radio stations. As in European countries, foreign radio stations are able to broadcast in Azerbaijan on short wave, as well as through the Internet, by cable and by satellite.

38. The bill on defamation initiated by the Government has been discussed with the Venice Commission. On the basis of the Commission's findings in 2013, international practice is being studied further, taking into account the balance of interests of society, given the existence of mixed approaches to its application.

39. As part of the joint Council of Europe-European Union project on freedom of expression and freedom of the media in Azerbaijan, a round-table discussion was held in Baku on 31 May 2016 on the topic of defamation.

40. All the conditions have been established in Azerbaijan for the free operation of representatives of the media, human rights defenders and civil society actors, allowing them to fully enjoy their rights and freedoms, and they are not subjected to any kind of harassment.

41. National legislation prohibits the use of pressure or physical violence against representatives of the media or local human rights organizations. Guided by the principle of the equality of all before the law, only persons suspected of having committed a specific offence may be charged, irrespective of their position or type of activity.

42. All offences, including against journalists and human rights defenders, are fully investigated, appropriate measures are taken and perpetrators are prosecuted and duly punished.

Freedom of assembly

43. Freedom of assembly is guaranteed by the Constitution and international agreements to which Azerbaijan is a party and is regulated by the Freedom of Assembly Act.

44. The Act provides that no restrictions may be placed on the freedom of assembly other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

45. Under article 5 of the Act, the local executive authorities must be notified in writing of the route of any march through the streets, and of the place and time of the assembly, in order to facilitate coordination and any necessary measures. A reasoned decision in respect of the assembly is sent to the organizers within three working days. At the same time, restrictions necessary in a democratic society and provided for in the law may be applied in accordance with national legislation.

Freedom of conscience

46. There is a high level of religious tolerance in Azerbaijan, international conferences and meetings are held on religious topics, and discrimination between citizens on the basis of their religious beliefs is prohibited.

47. The State registration of religious communities active in the country is based on the requirements of the Freedom of Religion Act. Article 12 of the Act provides that religious institutions may operate only once they have been registered and included in the State register of religious institutions.

48. As at 1 October 2017, 783 religious communities were officially registered. Of those, 755 were Muslim and 28 were non-Muslim religious communities (17 Christian, 8 Jewish, 2 Baha'i and 1 Krishna Consciousness community).

49. The State Committee on Cooperation with Religious Organizations provides an expert assessment of religious literature (in print and on electronic devices), audio and video materials, goods, products and other religious materials, and monitors their production, importation and distribution and their sale in specialized sales points, after labelling with a reference mark.

50. Religious literature and other religious materials may be imported and distributed freely only after assessment and labelling by the State Committee. Restrictions apply only to literature that promotes religious extremism, terrorism and ideas contrary to the principles of patriotism or calls openly for social resentment and hostility.

Right of association

51. Under article 58 of the Constitution, everyone has the right to create any association, including a political party, trade union or any other voluntary association, or to join an existing association.

52. Appropriate legislation, including laws on political parties, trade unions and NGOs, has been adopted to guarantee that right.

53. The Government continues to take consistent measures to support civil society. The implementation of legislative and institutional reforms in the area, the adoption of the Framework for State Support for NGOs and the establishment of the Presidential Council on State Support for NGOs create favourable conditions for the development of those organizations.

54. The "personal electronic window" information system has been set up to facilitate information sharing between NGOs and State agencies; it offers information as provided for in the law and reports in electronic form, as well as other e-services.

55. Azerbaijani legislation does not make it mandatory for local NGOs to register officially as legal entities. Local NGOs may conduct their activities without being officially registered.

56. Under Act on Registration of Legal Entities and the State Register, official registration is mandatory for commercial organizations and offices or subsidiaries of foreign legal entities. A bill on social sector procurement has been drafted with the aim of the further development of civil society.

57. On 21 October 2016, the Head of State signed a decree on the application of the single window principle to the procedure for the allocation of grants by foreign donors in Azerbaijan; the aim was to support the activities of civil society, facilitate procedure for the allocation of grants by foreign donors, ensure transparency and target available funds. The single window principle has been in operation since 1 January 2017.

58. In 2017, in implementation of the decree, the government decision concerning the regulations governing registration of agreements on the allocation of grants and the rules on eligibility of foreign donors to award grants in Azerbaijan was modified.

59. This has led to positive changes to the process of authorization to award grants:

- The donor does not have to apply directly to the Ministry of Finance for authorization to award the grant. The person in receipt of the grant has the same right.
- The whole procedure is implemented by the coordinating agency (Ministry of Justice), which must ensure that the procedure for authorizing the right to award the grant, through the submission of documents to the Ministry of Finance and then registration of the grant, is completed in one day.
- The number of documents required for the donor to receive authorization to award the grant and for it to be registered has been halved, and legal certification of certain documents is no longer required.
- The period of examination of the documents submitted to receive authorization to award the grant has been halved.

60. Neither the Ministry of Justice nor any other authority has the right to intervene in the internal affairs of NGOs. Disputes between an organization and its members are resolved by the courts on the basis of applications from the members.

61. A platform for dialogue between the Government and civil society was set up in 2016 under the National Action Plan for Open Government, 2016–2018. Ten State bodies (including the Office of the President) and all interested NGOs are represented on the platform.

62. There are currently more than 3,200 NGOs registered in Azerbaijan. Around 500 of them work in the area of human rights. In 2017, the Presidential Council on State Support for NGOs funded 484 NGO projects, to a total of 3,049,900 manats. Ninety-eight of the projects directly concern human rights and fundamental freedoms.

Right to vote

63. Political parties representing different political interests, coalitions of political parties and referendum advocacy groups are guaranteed free and voluntary participation in elections and referendums in the country.

64. The observation of elections is regulated by the Electoral Code. The electoral process is monitored by observers on their own initiative or on the initiative of a registered candidate, political party, coalition of political parties or referendum advocacy group, or on the initiative of an NGO working in the area of elections.

65. Elections held in Azerbaijan attract many local and international observers and are closely reported by local and foreign media. For the municipal elections held in 2014, there were 50,551 local observers; for the elections to the Milli Mejlis in 2015, there were 503 international observers from 40 international organizations and 65,818 local observers; for the referendum in 2016, there were 117 international observers from 18 international organizations and 53,531 local observers.

66. During the 2016 referendum on amendments to the Constitution, an exit poll was conducted by four bodies, two of which were working with authoritative international organizations (AJF & Associates, Inc. from the United States of America and OpinionWay, a French sociological research institute).

67. With webcams installed in 1,000 polling stations, Internet users were able to go onto the webpage of the Electoral Commission and directly observe the voting process, the vote counting, assessment of the results and the preparation of the official reports on the outcome of the vote.

Reform of the judicial system

68. The measures taken to ensure the independence of the judicial system, improve the functioning of the courts and court infrastructure, establish a single Internet portal and the "electronic court" information system and to introduce electronic services have significantly improved the provision of legal aid to citizens, ensured transparency and responsiveness and enhanced the efficiency of judicial decision enforcement.

69. Pursuant to a presidential order of 13 February 2014, citizens may submit electronic applications to the courts. As part of the Judicial Services and Smart Infrastructure Project, conducted jointly with the World Bank, the single Internet portal of the judiciary (www.courts.gov.az) has been updated and an "e-Court" section added.

70. The Road Map to Support Small and Medium-sized Businesses, adopted by presidential decree on 16 March 2016, provides for the early establishment of a mediation body, the creation of an appropriate legislative framework, the establishment of a mediation council and other organizational matters.

71. To that end, international experience has been studied and proposals drawn up offering potential models for a mediation body for the country. An agreement has been reached with the Council of Europe and the European Union on joint projects in this area.

72. In the framework of the Judicial Modernization Project, conducted jointly with the World Bank, the court administration has been equipped with modern information and communications technology. New high-performing buildings have been opened for the court complexes in Sabunçu and Şəki, Yasamal and Narimanov district courts in the capital, and Ganja, Oğuz, Gadabay, Quba, İmişli and Qabala district courts. Modern premises are currently being built for eight courts.

73. Experts from the European Commission for the Efficiency of Justice of the Council of Europe commended the Government of Azerbaijan for the work done in effectively reforming the justice system, establishing a unique judicial infrastructure, and introducing the latest information technologies and innovations.

74. In October 2017, Azerbaijan was awarded the prize for its project "Court Pulse — The Management Revolution" in the Crystal Scales of Justice competition of the Council of Europe.

Improved prison conditions

75. In February 2017, the President signed a decree on improving the prison sector, humanizing penal policy and expanding the use of alternative forms of punishment and non-custodial measures.

76. The decree provides for modernization of the prison sector, the upgrading of prison infrastructure, improved monitoring of conditions for convicted prisoners, the expansion of production facilities, the formation of a trained prison workforce, the organization of appropriate protection for facilities, improved transparency and the prevention of cases that create conditions favourable to corruption and other negative phenomena.

77. To organize effective oversight of the enforcement of non-custodial sentences and improve governance in that area, the decree provides for the establishment of a probation service under the Ministry of Justice. The President has also instructed the Government to prepare a list of electronic monitoring devices that may be used on convicted persons and the regulations governing them.

78. The Criminal Code was amended by an Act of 20 October 2017. The approximately 300 amendments introduced included the decriminalization of 15 types of offence, the introduction of non-custodial penalties for 158 offences and the exemption of 22 offences from criminal liability, subject to reconciliation with the victim and redress.

79. Pardons and amnesties are widely used in Azerbaijan. Over the past five years, the President has issued nine acts of pardon, applicable to 1,378 convicted prisoners. During the same period, the Milli Mejlis has also approved two Amnesty Acts covering 21,000 persons.

80. Six new prisons are under construction: they include a prison facility for women and juveniles in Baku, a prison complex in the village of Umbaki and prisons in the towns of Ganja, Lenkoran and Kyurdamir.

81. The Government attaches particular importance to cooperation with international organizations in the area of prisons. From 16 to 24 April 2015, members of the Subcommittee on Prevention of Torture undertook a visit to Azerbaijan, during which they visited police stations, pretrial and temporary detention facilities, remand centres, prisons, psychiatric hospitals and social welfare institutions.

82. An agreement has been reached on a further extension of the agreement signed in 2000 with ICRC, under which that organization's representatives have the right of unimpeded access to places of detention in Azerbaijan.

83. Work on improving medical care for prisoners is continuing. Modern medical equipment is being purchased, new diagnostic methods are being introduced, exchanges of experience are being conducted with other countries and improvements are being made to the organization of the medical service. In the framework of the provision by ICRC of psychosocial care in prisons, training courses are being held for psychologists working for the prison service.

84. All the modern methods recommended by the World Health Organization (WHO) for identification and laboratory diagnosis (including molecular and genetic diagnosis) of tuberculosis are used in the country's prisons. Azerbaijan was the first country in the world to use a new rapid test for tuberculosis, which gives an accurate diagnosis in a very short time (100 minutes), in its prisons. There has been a reduction every year over the past 20 years in the incidence of tuberculosis in prisons, and the number of deaths from tuberculosis has fallen 100-fold. A WHO collaborating centre on tuberculosis in prisons, the only such centre in the world, was opened in Azerbaijan in 2014.

85. In accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Office of the Commissioner for Human Rights (the Ombudsman) has been designated as the national preventive mechanism. Thus the national preventive group is based in the Office of the Ombudsman.

86. The Ombudsman and the national preventive group have the right, at any time, without hindrance and without prior notification, to visit and monitor police stations, places of pretrial detention, remand centres, prisons and psychiatric institutions, as well as places where persons who cannot leave voluntarily are detained.

87. In addition, the Public Affairs Committee of the Ministry of Justice, which is composed of prominent human rights defenders and representatives of human rights NGOs, also has the right to unimpeded access to prisons, to hold individual meetings with prisoners and to learn about their conditions of detention. Since it was set up, the Committee has carried out more than 660 unimpeded visits to various penal institutions in the country.

88. In line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), gender equality is respected and the staff of specialized correctional facilities for women and of the special remand centre corps are female.

89. The health screening of women prisoners on entry into remand centres includes comprehensive screening to determine primary health-care needs and to identify any

contagious diseases. Pregnant and breastfeeding women may not be held in punishment cells. Women's facilities and remand centres have provision for the children of women prisoners under the age of 3 years. The children's meals and improved living conditions are paid for by the State. Women prisoners are provided with information on the prevention of diseases, including HIV and other sexually transmitted diseases. Women's facilities and remand centres have in-house female psychologists.

Combating corruption

90. The National Action Plan for Open Government, 2016–2018, was approved by a presidential decree of 27 April 2016. It includes improvements to anti-corruption legislation, the development of proposals for corruption-related offences, mitigation of liability for economic crimes and their decriminalization, awareness-raising in the fight against corruption, measures to improve electronic services and greater participation of civil society and the public.

91. Encouraging the public to play a direct role in the management of public affairs, public oversight over the activities of central and local authorities and cooperation with the public are important components in ensuring transparency in public entities. To that end, the Public Participation Act was adopted on 22 November 2013.

92. Suggestions, statements and complaints submitted by the public to State agencies are important tools in the promotion and protection of human rights. In this regard, the Citizens' Appeals Act, aimed at informing the local and central authorities about violations of the law, was adopted on 12 November 2015.

93. Under a presidential decree of 5 February 2013 approving the Statutes of the e-government portal and measures to expand electronic services, a number of government services were included in the e-government portal so as to provide a single window for electronic services.

94. A presidential decree of 3 February 2016 provided for the establishment of appeals boards in central and local executive bodies to ensure transparency and objectivity in the treatment of complaints made by corporate entities and business persons.

95. To improve the provision of quality public services using innovative methods, the network of centres of the State Agency for Services and Social Innovations under the Office of the President (ASAN) and the list of services provided are being continuously expanded.

96. ASAN service centres now offer more than 250 services provided by 10 government agencies and a number of private companies. They have considered more than 17 million applications since they were first set up.

97. ASAN service centres exist in the regions as well. Public services are also available in the regions through vehicles fitted with special mobile ASAN service equipment.

98. In 2015, the Agency launched ASAN Radio 100 FM, a pioneering project aimed at providing the necessary information to a wider audience by radio.

99. In 2015, ASAN was awarded the prestigious United Nations Public Service Award.

100. The ASAN Visa portal was launched in 2016 to simplify the procedure for issuing visas to foreign nationals and stateless persons wishing to visit Azerbaijan.

101. ABAD (Simplified Support for Family Businesses) centres were established in 2016 to support citizens playing an active role in the country's socioeconomic development, the development of small and medium-sized enterprises, greater employment and the formation of competitive family businesses.

Implementation of the National Action Plan to Combat Human Trafficking

102. The National Action Plan to Combat Human Trafficking, 2014–2018, is being implemented. The Government has taken account of the recommendations of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) and has amended the procedure for the repatriation of victims of trafficking. The Programme

for the Social Rehabilitation and Reintegration into Society of Child Victims of Trafficking and the guaranteed amount of social services provided from the State budget to persons or families in difficulty were adopted pursuant to government decisions of 6 February and 22 April 2014.

103. Further government decisions of 2 June and 14 October 2015 introduced new provisions into a number of regulations and rules governing transparency in the management and disbursement of aid for trafficking victims and the involvement of NGOs in the activities of special facilities caring for such persons.

104. In 2016 and the first nine months of 2017, 133 victims of trafficking were assisted with reintegration into society: 43 were given employment and sent on vocational training courses. Single payments were made to 130 victims. Forty-nine young children being cared for in shelters (31 in 2016, 18 in the first nine months of 2017) were included in different educational programmes.

105. Records show that 117 young victims of trafficking being looked after in shelters joined various educational programmes: 31 of them were supported through the Heydar Aliyev Foundation and 35 through the Azerbaijani Children's Association, benefiting from alternative education programmes, logical thinking and health care.

106. In 2016, the Centre for the Victims of Trafficking, run by the State Social Protection Fund of the Ministry of Labour and Social Protection, provided 93 victims of trafficking with social, legal, medical and psychological assistance.

107. During the first six months of 2017, 60 such persons were given various types of assistance and sent to the Centre for Victims of Trafficking.

108. Some of those individuals were provided with several types of assistance at the same time, in accordance with their needs. Fifteen persons received legal assistance, 20 received psychological support and 12 persons received medical care. With the assistance of the State Employment Service under the Ministry of Labour and Social Protection, measures were taken to provide employment for eight individuals, and two persons were placed on training courses.

109. The measures taken to prevent trafficking and forced labour, to protect victims and to raise awareness in this area were commended in documents produced by the Council of Europe, Organization for Security and Cooperation in Europe and other international organizations.

Economic, social and cultural rights

Economic development and social policy

110. Priorities at the current stage in the country's socioeconomic development include ensuring its sustainable and balanced economic development and accelerated development in the regions.

111. The State Programme for the Socioeconomic Development of the Regions of Azerbaijan, 2014–2018, is being implemented. The State Industrial Development Programme for 2015–2020 has been adopted.

112. The National Coordinating Council on Sustainable Development was established under a presidential decree of 6 October 2016. The relevant road maps were approved by presidential order on 16 March 2016. They cover 11 major economic sectors and include an economic development strategy and action plan for 2016–2020, a long-term perspective to 2025 and a targeted perspective for the post-2025 period.

113. Significant steps were taken during the reporting period towards the creation of industrial and technological parks and industrial zones, with eight industrial parks established. The industrial parks, which meet contemporary demands and have a competitive production infrastructure, play an essential role in ensuring the country's balanced economic development, introducing innovative management and advanced technologies, creating new productive sectors and providing employment.

114. Over the past 14 years, about 34,000 entrepreneurs have been granted preferential loans to an amount of more than 2 billion manats. Of that total, 76 per cent were allocated to the regions and 24 per cent to areas of Baku. Business incubators have been set up in regional development centres in the towns of Xaçmaz and Yevlax to support individuals starting businesses.

115. The country's gross national product has increased by 8.9 per cent over the past five years, standing at 60.4 billion manats in 2016. Overall, 1.68 million jobs were created between 2003 and 2016, 1.26 million of them permanent. During the first nine months of 2017, some 226,000 new jobs, including 171,000 permanent posts, were created.

116. The economic reforms have contributed to a rise in the standard of living among the population, resulting in a growth in real household income of 21.1 per cent over the period 2012–2016, to 45.4 billion manats in 2016.

117. A sample-based survey of the economically active population, conducted in line with International Labour Organization methodology, showed that the economically active population in 2016 — 5,012,700 persons — was 6.9 per cent higher than in 2012, the number of those persons who were employed had risen by 7.1 per cent to 4,759,900 and unemployment had fallen from 5.2 per cent to 5.0 per cent.

118. Over the first nine months of 2017, US$ 8.3 billion were invested in the country's economy, mostly from abroad.

119. Large projects to establish transit facilities in Azerbaijan have been implemented. These include, in particular, the international seaport and shipbuilding yard, the TRACECA transport corridor and work on the North-South and East-West transport corridors. The Baku-Tbilisi-Kars railway, which forms part of the Silk Road and is the shortest link between Europe and Asia, was commissioned on 30 October 2017.

120. The successes achieved by Azerbaijan in recent years have been reflected in the reports of international organizations and financial institutions. In the World Economic Forum Global Competitiveness 2017–2018 report, Azerbaijan ranks thirty-fifth out of 137 countries.

121. In 2017, the city of Baku was nominated as a candidate to host World Expo-2025. The theme of the exhibition — "Developing Human Capital, Building a Better Future" — and the subthemes — "Talent: the future of education", "Vitality: the future of health" and "Achievement: the future of work" — align with three of the United Nations' Sustainable Development Goals, as expressed in the 2030 Agenda for Sustainable Development.

122. Comprehensive measures aimed at strengthening the Government's social policies continue to be implemented. The State Programme on Poverty Reduction and Sustainable Development, 2008–2015, and the State Programme on Social and Economic Development in Baku and its Villages, 2011–2013 and 2014–2016, aimed at eradicating poverty in the country, are being implemented.

123. As a result of the targeted steps taken in the framework of the programmes, the poverty rate fell from 6 per cent in 2012 to 5.9 per cent in 2016. The average monthly nominal wage of a worker in 2016 was 1.3 times the 2012 figure, at 499.8 manats.

124. In accordance with various presidential decrees and orders, the amount of pensions and social benefits increased by more than 10 per cent on 1 February 2016.

125. As at 1 January 2017, 558,100 members of 132,400 families were receiving targeted State social assistance and 368,800 were allocated social benefits. To end the dependence of low-income families on social assistance, "self-support" single-payment social assistance programmes have been introduced for the first time in the country.

126. There are growing numbers of projects on sustainable clean drinking water supplies and renovation of sewerage networks. Currently, the Water Supply and Sanitation in Small Towns project is being co-financed by the Azerbaijani Government and the Japan International Cooperation Agency. The project seeks to improve the use of water supplies and sanitation services, to a development timeline of 2030. Projects to rebuild the drinking

water systems in Qusar and Naftalan have been completed and the construction of drinking water and sanitation networks in Xaçmaz and Xızı is ongoing.

Health care

127. Much has been done to strengthen the financial and technical base of health care, with the building, renovation and reconstruction of new health facilities fitted with modern equipment, including in remote areas. The amount of the State budget allocated to health care increases each year. Over the past 14 years, over 500 health facilities have been refurbished and fitted with modern medical equipment. Several medical facilities have been built and are now operational; they include the Thalassemia Centre, which has already saved the lives of hundreds of people.

128. A total of 702.5 million manats was allocated to health care from the State budget in 2016, representing an increase of 42.4 per cent compared to 2011. That rise has made it possible to have 7.3 per cent more medical institutions in 2016 than there were in 2011, and 6.8 per cent more hospital beds.

129. The Government's health-care measures have led to a significant growth in the provision of medical services to mothers and children, patients with cancer and endocrine disorders and those suffering from hereditary blood diseases, chronic kidney disease and diabetes. Timely vaccination has achieved significant results in the fight against infectious diseases.

130. The Government continues to cooperate actively and implement joint projects with WHO, the United Nations Children's Fund (UNICEF), the World Bank, the European Commission, the relevant United Nations bodies and other organizations.

131. New health centres with modern medical equipment and advanced technologies are being set up in the regions under the State Programme for the Socioeconomic Development of the Regions of Azerbaijan, 2014–2018.

132. Azerbaijan is continuing its work to combat diabetes. The State pays constant attention to provision for the treatment and prevention of diabetes. The 2016 State Programme on Assistance to Persons with Diabetes, 2016–2020, is being implemented.

133. Azerbaijan was the first of the countries of the Commonwealth of Independent States to adopt a government diabetes programme, under which virtually all patients with diabetes are provided with free treatment and medical supplies — good quality insulin and blood glucose meters.

134. The Heydar Aliyev Foundation has a number of projects aimed at raising public awareness of diabetes. It also collaborates with foreign companies that have a wealth of experience in treatment of the disease. Furthermore, the Ministry of Health is also working on the prevention and treatment of many diseases, including cardiovascular diseases and thalassemia, in adults and children.

Reproductive health

135. A number of projects introduced at the beginning of 2017 are aimed at preventing sex-selective abortion and educating young people in this area. The projects are being supported by the office of the United Nations Population Fund and the representation of the European Union in Azerbaijan, with the participation of the Ministry of Labour and Social Welfare, the Ministry of Youth and Sport and the State Committee on the Family, Women and Children.

136. With the support of the Ministry of Health and the Ministry of Education, measures have been taken to raise awareness about reproductive health in schools. A working group comprising representatives of the above ministries has also developed teaching materials on reproductive health for the general secondary level.

137. Improved mother and child health-care services is one of the main directions of State social policy.

138. The State Mother and Child Health-care Programme, 2014–2020, was adopted to improve the quality of treatment and preventive care for women and children in the country. Under the Programme, reforms to perinatal care, based on regionalization, are being extended, maternity clinics are receiving better equipment and awareness campaigns on reproductive health and family planning are being conducted.

139. The adoption of this Programme, the introduction of "electronic health maps" for newborns and the adoption of the Infectious Diseases Immunization Programme have played an important role in protecting women's and children's health.

Education

140. Improved educational facilities in the country and the reforms to the education system are helping to bring positive change in this area. State spending on education in 2016 was up by 38.3 per cent compared to 2011, to 1,754.4 million manats.

141. The literacy rate and the primary enrolment ratio grow each year. Over the past five years, the net enrolment ratio in primary education rose from 99.7 per cent to 99.8 per cent.

142. The gross enrolment ratio in education for 6–21-year-olds rose from 72.1 per cent in the 2011/12 academic year to 85.6 per cent in 2016/17. As of the beginning of the 2016/17 academic year, there were 4,452 daytime general education institutions, of which 348 provided teaching in other languages.

143. The number of preschools in the country in 2016 was 5 per cent higher than in 2011. As at the beginning of the 2016/17 academic year, there were 51 higher education institutions — 38 public and 13 private — in Azerbaijan, catering for a total of 163,779 students.

144. That figure is 14.4 per cent higher, or 20,633 more, than in 2011/12. At the beginning of 2016/17, 47.3 per cent of students were female and 52.7 per cent were male. The State pays the tuition fees of orphans and children without parental care living in State children's institutions.

145. Refugees and internally displaced persons studying in fee-paying State higher and secondary educational institutions are exempt from tuition fees. Children of refugees and internally displaced persons are provided with textbooks and teaching aids free of charge.

146. Foreign nationals and stateless persons accepted in institutes of higher education are given the necessary opportunities to receive an education. Foreign students have all legal rights and freedoms, including the right to apply to judicial and public bodies for protection of personal property, family and other rights. Foreign students are taught using the standard educational programmes and curricula adopted in the country's educational establishments. On completing their course of study, foreign students receive a government document showing their standard educational qualification.

147. Over the past five years, up to 6,000 young teachers have received compensation and additional allowances to go to teach in rural schools; this has had a positive impact on the quality of education there.

148. In 2016, on the initiative of the Ministry of Education, 10 higher educational establishments in the country set up the Maarifchi student loan fund, which is aimed at creating equal access to higher education by providing student loans. The fund is currently working with 14 universities in the country.

149. In grades 1 to 9 of general education schools, the "Man and society" section of the subject "World Knowledge" includes study of the key rights and obligations set forth in the Constitution and the Convention on the Rights of the Child.

Intercivilizational and intercultural dialogue

150. Azerbaijan continues to contribute to the development of multiculturalism and plays an active role in strengthening intercivilizational and intercultural dialogue.

151. On the initiative of the President, the Seventh Global Forum of the United Nations Alliance of Civilizations was held in Baku from 25 to 27 April 2016. During the Forum,

questions were raised about new challenges and threats, including the prevention of discrimination, xenophobia and racism, how to combat aggressive separatism and measures aimed at strengthening intercultural and interreligious dialogue and promoting multiculturalism.

152. The Baku Process, which was launched by the President in 2008, is an international forum for intercultural dialogue held every two years. It provides a platform for the coordination of international efforts to strengthen tolerance and understanding and combat discrimination, extremism and xenophobia in society.

153. The Baku International Multiculturalism Centre was established by presidential decree on 15 May 2014. Pursuant to the relevant presidential decrees, 2016 was declared the "Year of Multiculturalism" and 2017 the "Year of Islamic Solidarity".

154. The Heydar Aliyev Foundation makes a major contribution to the development of multiculturalism and tolerance in the country. One of the Foundation's projects, "Azerbaijan — the address of tolerance", includes the reconstruction and restoration of mosques, churches, temples, both in Azerbaijan and elsewhere. The Catacombs of Marcellinus and Peter in Rome were restored under a bilateral agreement between the Heydar Aliyev Foundation and the Holy See.

155. The Heydar Aliyev Foundation has also provided financial support for the restoration of five fourteenth-century stained-glass windows in Strasbourg Cathedral, carried out the restoration of works of art in the Park of Versailles Palace in Paris that have been on the World Heritage List since 1979, and assisted in the restoration of seven tenth-to-twelfth-century churches in the Department of Orne in France. It has also supported the restoration of the Capitoline Museums in Rome.

Rights of specific groups or persons

Promotion and protection of women's rights and gender equality

156. The Government is continuing to take systematic and coherent measures to raise awareness of and combat discrimination against women.

157. On 25 November 2014, the State Committee on the Family, Women and Children, together with the United States Agency for International Development, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, Counterpart International and the Women's Association for Rational Development, has led a campaign to strengthen the role of women in social development.

158. Since 2016, the State Committee on the Family, Women and Children and the Azerbaijan Micro-finance Association have held special training courses for women on financial literacy and starting your own business.

159. Women's desire to be competitive in the labour market on an equal footing with men in the market economy and assert themselves in the new labour relations through their abilities, capacities and skills, provides an opportunity for their greater representation in governance, entrepreneurship and other areas.

160. As at 1 January 2017, 28.6 per cent of all public officials (30,090 persons) were women.

161. The measures taken in Azerbaijan have led to gender parity in secondary and tertiary education (the ratio of educated women to educated men in the 15–24 years age group is 100 per cent). In specialized secondary schools, girls represent 67.4 per cent of the total number of students.

162. The First Vice-President of the Republic of Azerbaijan, the Chair of the State Committee on the Family, Women and Children, the Chair of the State Examination Centre, 1 of the 3 Vice-Presidents of the Milli Mejlis, 3 deputy ministers, the deputy leader of the State Committee on the Family, Women and Children, the deputy leader of the Audit Chamber, 78 deputy heads within the executive authorities, the Minister of Culture and

Tourism of the Naxçivan Autonomous Republic, the Vice-Chair of the Cabinet of Ministers of the Naxçivan Autonomous Republic and the Chair of the Committee of the Naxçivan Autonomous Republic are women.

163. In the 2015 parliamentary elections, 21 of the 125 deputies elected were women. At the municipal elections held in 2014, 5,236 of the 14,963 municipal representatives elected and 302 municipal chairs were women.

164. There are approximately 180 women in the diplomatic service, including in leadership positions: 2 Extraordinary and Plenipotentiary Ambassadors, an Ambassador-at-large and 2 department heads in the Ministry of Foreign Affairs.

165. Women are also represented in the judiciary, with 58 female judges, including 7 in the Supreme Court, 12 in courts of appeal and 39 in courts of first instance, and women chairs of the Civil Division of the Supreme Court, the Sumqayıt Court of Appeal and the Jebrail District Court. There is also a woman judge on the Judicial Council. Over 1,200 women are employed in the judiciary, accounting for 20.3 per cent of the total number of actual staff. Seventy-six women hold senior management positions.

166. There are 2,810 women serving in the internal affairs agencies (1,274 are senior, middle-ranking or junior officers and 1,536 are members of the civilian staff), representing 10 per cent of the total personnel.

Domestic violence

167. In 2015, the State Committee on the Family, Women and Children set up a special database with information from various government agencies and rehabilitation centres for victims of domestic violence, and measures concerning rehabilitation, integration and the provision of legal assistance, as well as on the perpetrators of violence.

168. Special monitoring groups, with members from a number of State agencies, have been set up to prevent violence against women and children; centres for victims of domestic violence have also been opened.

169. Work to prevent domestic violence is being carried out in collaboration with women's and children's NGOs, the Council of Europe and other international organizations. There are plans to introduce "family psychologists" and to set up a monitoring mechanism for victims of domestic violence.

170. The Ministry of Internal Affairs and police forces in the country operate the 102 call centre, an information portal, an email address and a telephone hotline. In 2016 and the first 9 months of 2017, 10,304 offences against women, including 3,893 violent offences, were reported. Criminal cases were brought against 5,025 perpetrators.

Promotion and protection of children's rights

171. Legislation continues to be improved and practical measures taken to protect the rights of children in the country.

172. Pursuant to the 2012 State procedure for monitoring the implementation of children's rights, the State protects children, by social, legal, economic, medical and educational means, from all forms of exploitation and heavy, harmful or dangerous work and dangerous impacts and takes measures to eliminate or prevent the circumstances that lead to violations of their rights.

173. In 2016 and the first 9 months of 2017, measures were taken in cooperation with the UNICEF country office, the Baku office of the Organization for Security and Cooperation in Europe and the Alliance of NGOs, in the context of the Children's Legal Clinic and the Children's Police Room to provide legal aid to 834 young children on the preventive list.

174. As at 1 January 2017, monthly social allowances were being paid to 71,900 children under the age of 18 with disabilities, 437 guardians of orphans or children deprived of parental care, as well as persons disabled by war, persons with class I and class II disabilities resulting from the Chernobyl disaster and children of long-service military personnel, regardless of income. Social monthly benefits were also paid to 2,657 families

for 2,707 children under the age of 1 year and to 3,100 women with more than five children, for 9,000 children. Single lump-sum allowances were paid on the births of 99,200 children.

175. The 2016 recommendations of the Committee on the Elimination of Racial Discrimination have been taken into account in improvements made to national legislation. In paragraph 32 of its concluding observations, the Committee recommended that the Government should make the legislative amendments necessary to ensure that all children born in the State party are issued with a birth certificate, irrespective of the ability of the parents (in respect of foreign nationals and stateless persons) to present residence registration papers. Accordingly, paragraph 2.5.7 of the State Civil Registration regulations was amended by government decision on 21 July 2017.

176. It should be noted that Azerbaijan does not typically have social factors such as high levels of poverty and low levels of development, which are the main causes of conditions that lead to the sale of children, child prostitution, child pornography, child sex tourism and increased likelihood of children being exposed to such problems.

177. Around 25,000–26,000 crimes are committed in the country each year, approximately 2 per cent of them by minors. Based on the statistics of such cases, it would not seem expedient to establish juvenile courts, as they would not have a sufficient workload. It may be more appropriate in Azerbaijan to encourage judges to specialize in juvenile justice, as the law provides the necessary regulatory frameworks for the implementation of juvenile justice.

178. The rules on liability for corporal punishment of children are contained in the Criminal Code and the Code of Administrative Offences. In addition, the Domestic Violence Act includes measures to combat psychological, physical and other violations against children. Teachers are prohibited under the Education Act from using any physical or psychological violence against students.

Promotion and protection of the rights of persons with disabilities

179. The Government is currently considering a bill on the rights of persons with disabilities that takes account of proposals and recommendations made by civil society organizations and the Committee on the Rights of Persons with Disabilities. The bill is being drafted in line with the provisions of the Convention on the Rights of Persons with Disabilities and covers the basic principles of State policy in this area, the prevention of disability, State guarantees and social welfare, habilitation and rehabilitation, employment and other areas.

180. The "Azerbaijan 2020: Look into the Future" framework covers the preparation and implementation of projects aimed at preventing isolation of persons with disabilities and ensuring unhindered access for them to social infrastructure, as well as increasing the number of social and vocational rehabilitation centres, which help them develop skills and capabilities, thus increasing their employment opportunities.

181. Pursuant to a presidential decree of 14 September 2015 on improving the system for assessing disability and special needs, a subsystem for medical and social expertise and rehabilitation, known as TSERAS, was introduced into the Ministry of Labour and Social Protection centralized information system. The introduction of the TSERAS subsystem has helped to ensure transparency in the assessment of disability and special needs.

182. The European Union twinning project launched in September 2017 that is supporting the Ministry of Labour and Social Protection in the modernization of government employment services provides for new services to promote employment of persons belonging to vulnerable groups, especially persons with disabilities.

183. An Action Plan on Child Protection and Social Protection for 2016–2017 was signed on 18 May 2016 as part of the 2016–2020 programme of cooperation between the Ministry of Labour and Social Protection and UNICEF. The Plan includes training courses on the basic principles and methods used in social inclusion services for children with disabilities.

184. In 2015, a pilot programme aimed at bringing children with disabilities into inclusive education in secondary schools was launched jointly with UNICEF. In 2016–2017, a pilot project on inclusive primary education was extended to six secondary schools.

185. On 14 December 2017, the President approved the State Programme for the Development of Inclusive Education for Persons with Disabilities, 2018–2024. The aim of the Programme is to provide equal access to all levels of education and to create a barrier-free environment for persons with disabilities.

186. Work is continuing to provide apartments and vehicles from public funds for persons with disabilities. In 2016, 252 homes (118 apartments and 134 individual houses) for persons in this category were built and handed over. During the first 9 months of 2017, 59 individual houses were constructed and allocated.

Promotion and protection of the rights of migrant workers

187. In accordance with article 25 (3) of the Constitution, the State guarantees equality of rights and freedoms, irrespective of race, ethnicity, religion, language, sex, origin, property or official status, beliefs or membership of political parties, trade unions or other voluntary associations.

188. No restrictions may be imposed on human and civil rights and freedoms based on race, ethnicity, religion, language, sex, origin, beliefs or political or social affiliation.

189. According to the Labour Code, any discrimination between workers on the basis of factors unrelated to their professional qualities, skills and job performance or the results of their work is prohibited, as is the allocation of benefits and entitlements or the restriction of rights based directly or indirectly on these factors.

190. In accordance with article 75 of the Migration Code, except in cases provided for in the Labour Code, migrant workers shall enjoy the same working conditions as those established in law for Azerbaijani citizens, and they shall be paid in the same way as is established in law for Azerbaijani citizens.

191. Any matters related to the employment of migrant workers that are not covered by the Migration Code are regulated by the Labour Code.

192. All the guarantees provided in the Constitution and other legislation or regulations apply to migrant workers and members of their families. Article 60 guarantees protection of the rights and freedoms of all in the courts. All persons have the right to fair treatment in cases involving them and to consideration of their case within a reasonable time in administrative or judicial proceedings.

193. In its activities, the State Migration Service examines the possibility of legalizing the residence of any illegal migrants discovered. If it is possible to legalize a person's residence in the country, the necessary steps are taken. During the period 2013–2016 and the first 9 months of 2017, 13,112 persons were accorded legal residence status in line with national legislation.

Refugees and internally displaced persons

194. Taking into account population growth, Azerbaijan is currently home to 1,200,000 refugees and internally displaced persons (IDPs).

195. Using resources allocated from the State Oil Fund and other sources, 96 modern housing complexes with a total area of 3.2 million square metres have been built for IDPs in more than 30 cities and regions of the country.

196. A total of 152 schools, 58 cultural centres, 59 kindergartens and 2 Olympic sports complexes have been built in the new settlements, with 730 km of roads constructed and 965 km of water pipes, 1,625 km of electricity cables and 465 km of gas pipelines laid. Investment costs provided for in the State budget have been used to complete the construction of 762 houses for Ahiska Turks.

197. Over the past 14 years, the monthly food allowance for IDPs has quadrupled, while the volume of public services has increased by 4.5 times.

198. Pursuant to a presidential decree of 23 January 2017 on the introduction of a single monthly allowance for IDPs and persons of equivalent status temporarily residing in individual dwellings, such persons receive 36 manats each month.

199. Over the past 14 years, 200,000 of the 380,000 IDPs capable of working have been given permanent employment in State sector organizations and 161,000 have been provided with temporary employment. Under the loan agreement between the World Bank and the Government of Azerbaijan, 910 microprojects worth 125 million manats have been implemented. A further 24,000 IDPs have been granted loans valued at 14.8 million manats.

200. In 2016, a new agreement was signed with the World Bank for a total of US$ 78.5 million. Preferential loans in the amount of 40 million manats were granted through the National Business Support Fund to 2,000 IDPs to finance business investment projects. Over the past 14 years, the poverty rate among IDPs has fallen from 75 per cent to 12 per cent.

201. Article 39 of the Children's Rights Act provides that children are eligible for refugee status in Azerbaijan. The State takes appropriate measures to provide such children with the necessary protection and humanitarian assistance, organizes searches for their parents, cooperates with international organizations and provides the necessary support for the activities of NGOs. No requests for refugee status have been received from unaccompanied children during the reporting period.

III. Achievements, best practices and challenges

202. Azerbaijan will continue to protect and promote human rights and freedoms at the highest level, to fulfil the international obligations arising from the international treaties to which it is a party, to work closely with international organizations and to contribute to the development of multiculturalism.

203. As it has done in the past, Azerbaijan will continue to ensure the timely submission of its periodic reports to the United Nations treaty bodies and the relevant committees of the Council of Europe; it will also continue to implement its National Plan of Action for More Effective Protection of Human Rights and Freedoms in the country.

204. However, Azerbaijan is not currently in a position to implement the provisions of the international human rights treaties to which it is a party in its territories occupied by Armenia. The Government of Azerbaijan does not bear any responsibility for violations of human rights and freedoms in those occupied territories until such time as they are liberated and the consequences of the occupation are fully eliminated.

205. The legal and political components for a settlement of the conflict are based on the norms and principles of international law, namely the principles of territorial integrity, sovereignty and the inviolability of internationally recognized borders, as set out in United Nations Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) and General Assembly resolution 62/243 (2008), together with the relevant documents and decisions of international organizations.

206. Seven hundred and thirty-eight historic sites, 14 memorial complexes and 1,107 cultural institutions in the occupied territories have been destroyed and looted. Three hundred and seventy-three mosques, ancient places of worship and other holy places have been looted and destroyed.

207. During its aggression against Azerbaijan, the Armenian side has committed gross violations of the norms of international humanitarian law; there have been numerous incidents of extrajudicial executions and mass shootings, torture and other cruel and inhuman treatment and punishment of peaceful Azerbaijani civilians, hostages and prisoners of war.

208. According to the State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons, as at 12 July 2017, there were 3,868 persons on the list of missing citizens of Azerbaijan. The fate of two Azerbaijanis, Dilgam Askerov and

Shahbaz Guliyev, who were taken hostage by the Armenian side in July 2014, continues to be a matter of serious concern for the Government of Azerbaijan.

209. On 16 June 2015, the Grand Chamber of the European Court of Human Rights adopted a decision in the case of *Elkhan Chiragov and others v. Armenia*. The case, dating from 6 April 2005, was based on a claim by six citizens of Azerbaijan against Armenia; they were unable to return to their homes and had been deprived of their property in the Laçın district of Azerbaijan, having been expelled in 1992 as a result of the Armenia-Azerbaijan Nagorno-Karabakh conflict. In its judgment, the Court found continuing violations of the right to property, the right to respect for private and family life and the right to an effective remedy. The Court affirmed the right of internally displaced persons to property and to return to their homes. The Court concluded that Armenia, through its military presence and the provision of military equipment and expertise, had been significantly involved in the Nagorno-Karabakh conflict from an early date, and was responsible for violations of the rights of Azerbaijani displaced persons.

210. Between 2 and 5 April 2016, there was intense bombing of positions of the Armed Forces of Azerbaijan and the civilian population residing in the areas adjacent to the line of contact. As a result of the heavy shelling by the Armenian side, soldiers and civilians were killed or injured, and homes, schools and other public buildings were destroyed.

211. The response of the Armed Forces of Azerbaijan led to more than 2,000 hectares of strategic territories of the Republic of Azerbaijan being freed. Immediately after the April events, the President of Azerbaijan signed an order on the reconstruction of the village of Jojug Marjanly in Jabrayil district. Over a period of two months, part of the village was rebuilt, with 50 houses, a school and a mosque. Nine kilometres of road were built between Goradiz and the village of Jojug Marjanly.

212. On 4 July 2017, a targeted and deliberate attack by the Armenian armed forces on the village of Alkhanly in Fizuli district of Azerbaijan killed a 2-year-old girl and her grandmother and injured another woman.

213. The Republic of Azerbaijan once again calls on the international community to oblige Armenia to come to peace and withdraw its armed forces from all the occupied territories of Azerbaijan.

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Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. Azerbaijan was invited to ratify the pending core international human rights treaties.[3] Azerbaijan was also urged to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence[4] and make the declarations provided for in articles 76 and 77 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[5] In 2016, the Human Rights Committee expressed concern about the failure of Azerbaijan to implement the Views of the Committee.[6]

3. The United Nations country team reported that Azerbaijan successfully submitted its voluntary national review report at the high-level political forum on sustainable development in New York in 2017.[7]

4. Azerbaijan contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2014[8] and 2017.[9]

III. National human rights framework[10]

5. The Special Rapporteur on the situation of human rights defenders referred to the Venice Commission's preliminary opinion on the 29 constitutional amendments, which stated that the second constitutional reform had not been debated at the National Assembly and that the population had not been given sufficient time to discuss the draft. The Venice Commission also criticized the proposed institutional reforms, which would further

consolidate the President's power, allowing him to dissolve the National Assembly and weakening the independence of the judiciary.[11] The Human Rights Committee expressed similar concerns.[12]

6. The 2016–2018 national anti-corruption action plan was noted by the same Special Rapporteur as lacking clear goals and not being evidence-based,[13] while the system in Azerbaijan was characterized by a dominant executive branch and strong law enforcement agencies.[14]

7. Treaty bodies welcomed a number of laws adopted during the reporting period,[15] including, among others, the laws on public participation (2013) and on citizens' appeals (2015),[16] as well as amendments to Law No. 55-IQ on registration upon place of residence and stay (2013).[17]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[18]

8. The Committee on the Elimination of Racial Discrimination expressed concern about the absence of legislation that prevents the discrimination of persons belonging to minorities on the grounds of race, colour, descent and national or ethnic origin, recommending the adoption of a law aimed at guaranteeing the non-discriminatory enjoyment of rights and freedoms.[19]

9. The same Committee was concerned that article 283 of the Criminal Code on incitement to racial hatred had been misused to arrest individuals expressing opinions diverging from official positions, including on the Nagorno-Karabakh conflict, or speaking out about the conditions of ethnic minorities. It recommended that Azerbaijan not use measures to combat racist speech as a pretext to silence those protesting at injustice, social discontent or opposition, and not subject speech protecting or defending human rights to criminal or other sanctions.[20] It also urged Azerbaijan to introduce a definition of "racial discrimination" in legislation.[21]

10. The Human Rights Committee expressed concern that the existing anti-discrimination legal framework did not explicitly prohibit discrimination based on sexual orientation and gender identity. It also expressed concern about discrimination and violence against persons based on their sexual orientation and gender identity.[22] In October 2017, several United Nations experts made a statement urging Azerbaijan to act on reports of abuses, including arbitrary arrests and ill-treatment, torture and forced medical examinations of gay and transgender persons.[23] The United Nations High Commissioner for Human Rights called for the release of anyone detained on the basis of their sexual orientation or gender identity.[24]

11. In 2014, the Committee on the Rights of Persons with Disabilities recommended including an express prohibition of disability-based discrimination and multiple forms of discrimination against persons with disabilities in legislation.[25]

2. Development, the environment, and business and human rights[26]

12. The Working Group on business and human rights reported that under national legislation, business enterprises were not required to make public information about their registration, ownership or structure, making it difficult to monitor compliance with national and international law.[27] It noted reports alleging a lack of transparency and apparent irregularities in the trading of oil, in particular a lack of information on the ownership of private companies partnered with the State Oil Company of Azerbaijan Republic and on bidding processes and public tenders.[28] The Working Group also noted that the company did not have any specific human rights policy nor mechanisms for carrying out human

rights due diligence,[29] recommending the requirement to all State-owned or State-controlled companies to perform human rights due diligence for their operations.[30]

13. The Working Group further noted inadequate expropriations, evictions and demolitions carried out in the construction sector and that non-competitive construction contracts were awarded to well-connected business people.[31] It urged Azerbaijan to integrate the responsibility to conduct human rights due diligence into State-investor contracts, and concessions for extraction of natural resources and production-sharing agreements.[32] In this regard, the Working Group recommended that the Government require that those who may be affected by development activities receive timely and complete information about planned projects, such as for urban renewal. It also recommended that people were not evicted from their homes without prior consultation and consent, or agreed compensation with provision for human rights safeguards.[33]

B. Civil and political rights

1. Right to life, liberty and security of person[34]

14. The Committee against Torture expressed concern about allegations that torture and ill-treatment were routinely used by law enforcement and investigative officials, or with their instigation or consent, often to extract confessions or information to be used in criminal proceedings, which Azerbaijan had deemed unfounded.[35] It also expressed concern that investigations into these allegations were not prompt, efficient and impartial,[36] and that victims were not provided with any redress or rehabilitation, despite existing legal provisions.[37] The Working Group on Arbitrary Detention noted similar concerns.[38] The Human Rights Committee noted reports of torture and ill-treatment of journalists, human rights defenders and youth activists that had reportedly led to death in several cases. It urged Azerbaijan to promptly and thoroughly investigate all those allegations and prosecute perpetrators.[39] The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Azerbaijan to gather information on the monitoring and evaluation of the impact of training programmes for police officers and prison staff on human rights and the prohibition of ill-treatment and set up training sessions for other civil servants and teaching personnel.[40]

15. The Committee against Torture urged Azerbaijan to initiate prompt and effective investigations into cases of non-field-related deaths, including suicides, of soldiers in the armed services.[41]

16. The Human Rights Committee expressed concern about overcrowding and inadequate living conditions in some prisons and corruption within prison facilities.[42] The Working Group on Arbitrary Detention made similar observations.[43] The Committee against Torture also referred to deaths in detention, some of which had allegedly resulted from torture or ill-treatment,[44] and expressed concern that the national preventive mechanism had not been effective in addressing human rights violations in places of deprivation of liberty.[45] It urged Azerbaijan to establish a national system that independently, effectively and regularly monitored all places of detention.[46]

17. The same Committee expressed concern about the increased maximum term of imprisonment under the Code of Administrative Offences from 15 to 90 days, which was equal to the minimum term provided for under the Criminal Code. It also expressed concern that prisoners under administrative arrest reportedly served their sentences in facilities not suitable for long-term detention.[47]

18. Concern was expressed about the State's failure to afford all persons deprived of their liberty with all fundamental legal safeguards from the very outset of their detention.[48] These included deficiencies in quality legal assistance,[49] not being presented to a judge for several days following arrest or instances of judges extending pretrial detention without due assessment of the circumstances,[50] as well as the existence of a high number of authorities with the power to deprive persons of liberty[51] and other infringements.[52]

2. Administration of justice, including impunity, and the rule of law[53]

19. The Working Group on Arbitrary Detention acknowledged the efforts of Azerbaijan to modernize the judicial system, in particular the initiatives aimed at enhancing the accessibility of courts and the efficiency of the administration of justice,[54] and the amendments to several pieces of legislation to comply with the European Charter on the statute for judges.[55] It expressed concern about the high number of reported cases of corruption by law enforcement officials and judicial authorities.[56] The Human Rights Committee expressed similar concerns, including the continued lack of judicial independence from the executive branch.[57] The Committee against Torture also noted that the Bar Association was not sufficiently independent from the executive.[58]

3. Fundamental freedoms and the right to participate in public and political life[59]

20. The Human Rights Committee expressed concern about: undue restrictions on freedom of religion and belief, including the mandatory registration of religious organizations; the requirement for Muslim communities to obtain authorization before registration; severe restrictions on members of religious minorities in the Autonomous Republic of Nakhchivan; censorship of religious material and the prior authorization requirement for importing, exporting, distributing and publishing such material; reported interference in religious activities; and harassment of members of religious groups and the increase in arrests, detentions and administrative or criminal sanctions against them.[60] It also expressed concern that the concept of "religious activities" under national legislation was vague and open to arbitrary interpretation,[61] as well as about the absence of specific legislation enabling the right to conscientious objection to military service.[62]

21. The same Committee noted with concern the extensive restrictions on freedom of expression in practice, such as the reported arbitrary interference with media freedom, including revocation of broadcast licences allegedly on political grounds; and allegations of politically motivated criminal proceedings against independent media outlets.[63] UNESCO encouraged Azerbaijan to reform the appointment system for the broadcast licensing authority to ensure its independence.[64] The Special Rapporteur on human rights defenders confirmed that defamation remained a criminal offence.[65] The Government replied that there was a moratorium on the use of the defamation provision in the Criminal Code.[66]

22. The Working Group on Arbitrary Detention reported that human rights defenders, journalists, political opponents and religious leaders critical of the Government and its policies had faced limitations on their work and personal freedom,[67] including arbitrary arrest and detention, ill-treatment and conviction.[68] Some treaty bodies urged Azerbaijan to conduct full and independent investigations into such cases,[69] and to protect human rights defenders and journalists from any act of intimidation or reprisal or any other impediments to their work.[70] The United Nations High Commissioner for Human Rights expressed concern that undue pressure, harassment and intimidation against journalists, human rights defenders and activists by State authorities continued to be reported in Azerbaijan.[71] The Special Rapporteur on human rights defenders and UNESCO expressed similar concerns.[72] In 2016, renowned award-winning Azerbaijani journalist Khadija Ismayilova had her sentence reduced and was released from prison, although a five-year travel restriction was placed on her.[73]

23. The Special Rapporteur on human rights defenders also referred to increased reports of intimidation and retaliation for views expressed on the Internet, including the imposition of criminal charges in relation to critical opinions.[74] The Working Group on Arbitrary Detention also noted that lawyers who assisted in bringing the cases of human rights defenders to the European Court of Human Rights had been detained on various charges.[75] The Human Rights Committee expressed similar concerns, including reported physical attacks against such lawyers.[76]

24. The country team reported that the 2014 legislative amendments had created regulatory and bureaucratic difficulties for civil society organizations to obtain grants from foreign donors.[77] Various treaty bodies noted restrictive legislation affecting freedom of association[78] and that non-complying non-governmental organizations (NGOs) were punished.[79] In particular, the Human Rights Committee recommended that Azerbaijan

simplify registration rules, and ensure that legal provisions regulating NGO grants did not put at risk the effective operation of public associations as a result of overly limited or overly regulated fundraising options.[80]

25. The Human Rights Committee expressed concern about restrictions on the right to peaceful assembly in practice, including allegations of frequent use of excessive force and/or detention, and the imposition of administrative and criminal penalties against persons participating in peaceful protests.[81]

26. The same Committee expressed concerns about reported irregularities during past elections, including restrictions on candidates, intimidation of opposition candidates, violations in the registration process of opposition candidates, and detention and conviction of some opposition leaders. It urged Azerbaijan to ensure fully transparent elections and a genuine pluralistic political debate and refrain from using criminal law provisions to exclude opposition candidates from electoral processes.[82]

27. The Committee expressed concern that the residence registration system remained a precondition for the full enjoyment of some rights, urging Azerbaijan to respect in practice the freedom to choose one's residence.[83]

4. Prohibition of all forms of slavery[84]

28. The United Nations country team welcomed the Government's efforts to combat trafficking.[85] However, it noted existing challenges in identifying victims/potential victims of trafficking and in providing them with assistance and protection.[86] It recommended that Azerbaijan revise the legal definition of "vulnerable individuals" under the Law on Trafficking in Persons.[87] The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families expressed concern that there was only one shelter for victims of trafficking.[88]

29. The Committee on the Elimination of Discrimination against Women expressed concern that Azerbaijan remained a country of origin, transit and destination for trafficking in women and girls for sexual exploitation and forced labour.[89] The Committee on Economic, Social and Cultural Rights also expressed concern that trafficking in persons in Azerbaijan, particularly for the purpose of forced labour, occurred predominantly in the construction sector.[90] Three treaty bodies recommended that Azerbaijan continue to combat human trafficking.[91]

30. The Committee on Economic, Social and Cultural Rights expressed concern about the use of forced labour as a corrective measure or as a penal sanction against persons found guilty of a crime, recommending that Azerbaijan amend or repeal the relevant provisions of both the Criminal and Labour Codes.[92]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[93]

31. The Committee on Economic, Social and Cultural Rights expressed concern about unemployment among young persons, persons with disabilities, immigrants and other social minorities.[94] The Working Group on business and human rights noted that approximately 67 per cent of the population worked in the informal economy thus falling outside the protection of the Labour Code. It also noted that only one third of women were in salaried employment and a significant disparity existed between the incomes of men and women.[95] Three treaty bodies expressed similar concerns on gender disparity.[96]

32. The Committee on Economic, Social and Cultural Rights recommended that Azerbaijan amend its Labour and Criminal Codes so that all workers could exercise their right to strike, in particular those working in the air and railway transport sectors, and those in the oil industry.[97] The Working Group on business and human rights noted reports that trade unions did not always act fully independently of the Government,[98] and that there were difficulties establishing or joining trade unions for workers of multinational companies in the oil and gas sector.[99] The International Trade Union Confederation raised

similar concerns to the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations, which invited the Government to promote collective bargaining between trade unions and employers and their organizations without interference by a public authority.[100]

33. The United Nations country team noted the two-year moratorium on labour inspections imposed by the Government and the requirement to obtain permission for such inspections from the Ministries of Justice and Economy. It also noted that labour inspections could not be carried out at unregistered businesses.[101]

2. Right to an adequate standard of living[102]

34. The Committee on Economic, Social and Cultural Rights noted that Azerbaijan had succeeded in drastically lowering the level of poverty, while expressing concern that a considerable part of the population lived below the poverty line, especially in rural areas. It strongly urged Azerbaijan to combat poverty, especially among the most disadvantaged and marginalized members of the population, and reduce disparities between the capital and rural areas.[103] The Committee also noted with concern that the levels of minimum wage, unemployment benefits and pensions in Azerbaijan were not sufficient to ensure a decent standard of living.[104] The United Nations country team also noted that the economic downturn had led to increased vulnerability among families. It recommended that Azerbaijan combine financial assistance with social welfare programmes and social worker interventions.[105]

35. The Committee on Economic, Social and Cultural Rights expressed concern about information on forced evictions, unlawful expropriations and demolitions in Baku with little or no notice and the lack of consultation, adequate compensation and effective legal remedies.[106]

3. Right to health[107]

36. The Committee on the Elimination of Discrimination against Women noted the efforts by Azerbaijan to improve access to affordable health-care services for all citizens while expressing concern about inadequate State health expenditure, poor health-care infrastructure, especially in rural areas, and inadequate skills of service providers.[108] The Committee on Economic, Social and Cultural Rights expressed concern about unequal enjoyment of the right to health in rural and urban areas; and reported corruption in the health sector, including payments of non-official fees.[109] The Special Rapporteur on the right to health expressed similar concerns,[110] while noting that the spending of Azerbaijan on health was increasing, but nevertheless remained very low at 1.5 per cent of gross domestic product.[111] He further highlighted that tuberculosis, multi-drug-resistant tuberculosis and extremely drug-resistant tuberculosis continued to pose a serious threat to health in the country.[112]

37. The Committee on the Elimination of Discrimination against Women[113] expressed concern about women's limited decision-making powers concerning their health status, the use of abortions for family planning, including the high number of sex-selective abortions and forced abortions, very low use of modern contraceptive methods and the absence of a law on sexual and reproductive health.[114] The United Nations country team also noted that there was neither an adequate screening programme for cervical cancer, nor a human papilloma virus vaccination programme.[115]

4. Right to education[116]

38. The Committee on the Elimination of Discrimination against Women welcomed the high literacy rates among women and men.[117] UNESCO also highlighted the high literacy and enrolment rates of girls in secondary education.[118] The same Committee expressed concern about the low secondary school attendance rate among girls in rural areas, the dropout rate of girls at the secondary level of education, the lower admission rate of women to undergraduate study programmes, and stereotypical choices of educational fields and gender stereotypes in educational materials.[119] The Special Rapporteur on violence against women, its causes and consequences and UNESCO expressed similar concerns.[120]

39. The Committee on Economic, Social and Cultural Rights recommended that all children of school age, including non-citizen children, had the right to education.[121] UNESCO noted that the Migration Code of 2013 contained restrictions on migrants and did not include the right to education of irregular migrants' children.[122]

40. UNESCO also noted that the majority of internally displaced persons were women and girls, who faced discrimination in access to education, and encouraged Azerbaijan to guarantee access to education, especially for internally displaced women and children.[123]

D. Rights of specific persons or groups

1. Women[124]

41. The Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women noted with concern the deeply rooted patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society, while urging Azerbaijan to raise awareness of existing sex-based stereotypes with a view to eliminating them.[125] The United Nations country team noted that gender stereotyping led to a high rate of gender biased sex-selective abortions, resulting in a highly skewed sex ratio at birth.[126] Despite the legislative guarantees of gender equality, the prevalence of discriminatory attitudes and customary practices was seriously impeding the advancement of women.[127] The same Committee expressed concern that women remained significantly underrepresented in national and local legislative bodies, in the Government and in the civil service, particularly in senior and decision-making positions, and recommended that Azerbaijan ensure the full and equal participation of women in political and public life.[128]

42. The Special Rapporteur on violence against women and certain treaty bodies noted the high number of domestic and sexual violence cases[129] and raised concerns regarding the lack of implementation of the Law on the Prevention of Domestic Violence,[130] the absence of an effective prohibition of sexual harassment,[131] systematic use of reconciliatory measures for first-time offenders without considering the victim's opinion or safety,[132] significant underreporting,[133] dismissal of women's complaints of such violence by law enforcement officers,[134] and the limited number of support and referral centres for victims, which were mainly run by NGOs.[135] As regards the prevention of gender-based violence, the United Nations country team noted the efforts of Azerbaijan,[136] while expressing concern that the annual budget for combating violence was inadequate. It also noted that the existing law did not provide immediate protection of and redress for victims and their lack of capacity to provide full services to victims.[137]

43. The Special Rapporteur on violence against women and some treaty bodies expressed concern about the high prevalence of early marriages, especially in rural regions and among internally displaced persons, unregistered religious marriages, as well as temporary marriages despite the legal prohibition of such practices.[138]

2. Children[139]

44. The United Nations country team noted the established national centralized child database and the independent National Preventive Group within the Office of the Ombudsperson, which, however, lacked capacity.[140] It also noted the Government's efforts to bring national legislation on infant and young child feeding into compliance with international standards,[141] and the introduction of regular school readiness classes for all 5-year-old children, fully funded by the State.[142]

45. The Committee on the Elimination of Discrimination against Women expressed concern that the Criminal Code lacked specific provisions prohibiting pornography involving children, recommending that Azerbaijan criminalize pornography involving children, particularly girls.[143]

46. The United Nations country team reported the establishment of two specialized teams to support children in conflict with the law in the capital, along with one child-friendly courtroom within the Grave Crimes Court. It also noted the significant investment

in strengthening national capacity to change the approach of officials towards children in conflict with the law, the amendments to the Law on Mass Media (2016) providing confidentiality for not only child offenders, but also for victims and witnesses of crimes, and a 2017 presidential decree to emphasize non-custodial responses to a number of juvenile crimes.[144] However, it expressed concern that the existing criminal justice process did not comply fully with international standards.[145]

47. The Working Group on Arbitrary Detention could not observe a significant difference between the treatment of children and adults in the criminal justice system. It observed the punitive nature of the criminal justice system towards children[146] and violations of their right to a fair trial.[147] It also reported mistreatment of detained children, including upon arrest, and that they were likely to be mistreated by other inmates.[148] The Committee against Torture expressed similar concerns.[149] The Working Group recommended that juveniles be effectively separated from adults in all detention places; that safe, child-sensitive environments for children deprived of their liberty be established; that detained children be treated with dignity and respect; and that all children in detention had effective access to education and recreation.[150]

48. The Committee on the Rights of Persons with Disabilities expressed concern that national laws only allowed for the adoption of children under 5 years old, urging Azerbaijan to increase the age limit for adoption purposes.[151]

49. UNHCR noted that, in 2017, the Government had removed the legislative provisions requiring parents to produce their residence registration in order to obtain a birth certificate for their children.[152]

50. The Special Rapporteur on the human rights of internally displaced persons noted the discrimination between the children of women and men who were internally displaced: a child whose father was registered was eligible for registration as an internally displaced person, whereas a child whose mother was registered was not.[153] He also noted the lack of sufficient data collected on the access of internally displaced persons to education.[154] He further noted that Azerbaijan offered separate education to internally displaced persons in larger communities from the rest of the population.[155]

51. The United Nations country team noted that the vast majority of children with disabilities did not receive education in mainstream schools, and were marginalized within their family, community and wider society.[156] Similar concerns were raised by several treaty bodies.[157] The Committee on the Rights of Persons with Disabilities expressed concern about the legislation allowing the parents of a newborn boy or girl to place him or her in the State's custody solely on the basis of his or her disability, without taking into account the best interests of the child.[158] It also expressed concern about the high level of institutionalization of those children.[159]

3. Persons with disabilities[160]

52. The Committee on the Rights of Persons with Disability expressed concern that legislation and policies still referred to the medical model of disability, recommending that Azerbaijan adopt a human rights-based model.[161] It also expressed concern about reported persistent negative stereotypes and prejudices against persons with disabilities,[162] inaccessible public transport and public buildings,[163] the low number of persons with disabilities benefiting from the employment quota system,[164] restrictions on the right to vote for persons under guardianship,[165] the practice of substituted decision-making,[166] non-recognition of sign language,[167] and the legislation concerning gender equality and domestic violence that did not specifically address women and girls with disabilities.[168]

53. The Human Rights Committee expressed concern that there was no comprehensive prohibition of discrimination on the grounds of disability in some areas of life, urging Azerbaijan to guarantee, both in law and in practice, equal rights to persons with disabilities and their effective protection against discrimination.[169] The Working Group on Arbitrary Detention raised similar concerns, including on the national legal framework that contained derogatory terminology referring to persons with disabilities.[170]

54. The Working Group on Arbitrary Detention noted that the legislation of Azerbaijan allowed the deprivation of liberty based on disability, involuntary hospitalization and forced institutionalization of persons with intellectual and psychosocial disabilities[171] without clear procedures to challenge such detention.[172] Three treaty bodies raised similar concerns.[173] The Working Group also noted that individuals were deprived of liberty for prolonged periods of time, sometimes for their entire life, based solely on an actual or perceived disability;[174] and that the institutionalization of persons with disabilities often resulted from the decision of parents, care institutions or social services.[175] In addition, it reported substandard living conditions in psychiatric institutions; the application of chemical restraints, accompanied in the case of children with "mild" electroshocks; and the general practice of forced medication and contraception of women.[176] The Committee against Torture expressed similar concerns.[177]

4. Minorities and indigenous peoples[178]

55. The Committee on the Elimination of Racial Discrimination regretted the discrepancies in the data available on the ethnic composition of Azerbaijan, as well as reports that members of certain minorities concealed their ethnic identity to avoid discrimination.[179] It recommended that Azerbaijan assess the extent of possible inequality and discrimination of ethnic groups,[180] and amend legislation to secure adequate advancement of disadvantaged minority groups or individuals.[181] It expressed concern about the limited effectiveness of existing consultative bodies to compensate for the underrepresentation of ethnic minorities in political bodies recommending establishing effective consultation and dialogue with ethnic minorities.[182]

56. The Committee on Economic, Social and Cultural Rights expressed concern that minorities, particularly the Lezghin and the Talysh, were victims of widespread discrimination.[183] The Human Rights Committee also expressed concern about alleged harassment of and discrimination against members of the Armenian minority, and reports that foreigners with Armenian surnames had been prevented from entering Azerbaijan regardless of their nationality.[184]

5. Migrants, refugees, asylum seekers and internally displaced persons[185]

57. The Committee on Migrant Workers expressed concern that migrant workers and members of their families in Azerbaijan suffered from discrimination and stigmatization in the media and in society,[186] and urged Azerbaijan to ensure that they had equal opportunities as nationals to file complaints and to obtain effective redress.[187] Two treaty bodies expressed concern about the vulnerability of migrant workers to abuse and exploitation since they were tied to their employers because of work permits and recommended replacing work permits with residency permits.[188]

58. The Special Rapporteur on internally displaced persons commended the efforts made to provide such persons with permanent and temporary employment[189] and social protection, including exemption from service fees.[190] He also raised a number of challenges faced by internally displaced persons, including isolation of certain settlements in which they lived, far from services and employment opportunities and in a few cases very close to the front line.[191]

59. He also noted difficulties in accessing health services,[192] the frequency of mental health problems and psychological stress, especially among young persons and women, with no treatment available,[193] limited access to maternal and newborn health services, and lack of information about family planning, abortions being the only form of birth control.[194] He also noted other challenges faced by internally displaced persons, such as restrictions on their freedom of movement and choice of place of residence due to the registration system,[195] and on their right to vote and or to be elected in areas of displacement.[196] Finally, he recommended that, in the context of the Great Return Programme, all durable solutions should remain as options open to internally displaced persons and that a comprehensive survey of their intent be carried out.[197]

60. The Committee against Torture expressed concern about reports of extraordinary rendition of persons falling outside the scope of asylum protection, based on bilateral

extradition agreements, to countries where they might face a risk of torture and that Azerbaijan had allegedly permitted the use of its airports and airspace for the purpose of extraordinary rendition.[198] UNHCR also reported that it had registered several cases of refoulement from Azerbaijan in 2017, involving asylum seekers returned to their countries of origin either without being given an opportunity to submit a formal application for refugee status or before a final decision was taken on their application.[199] The Committee on Migrant Workers expressed concern about the increased number of deportation cases of foreigners and stateless persons. The Committee on the Elimination of Racial Discrimination also referred to legal provisions making it possible for children enrolled in school to be expelled from Azerbaijan together with their families.[200]

61. UNHCR noted that a small number of individuals had been granted refugee status by the Government,[201] and that presidential decree No. 1257 (2017) established a protection mechanism for unaccompanied children seeking asylum.[202] UNHCR highlighted that Azerbaijan had not allowed asylum seekers originating from the Chechen Republic of the Russian Federation to access its asylum procedures and that it had not provided any formal justification for this practice.[203] Furthermore, it reported that there were no administrative procedures or legislation for protecting individuals fleeing situations of armed conflict, generalized violence or severe disturbances of public order.[204] The Working Group on Arbitrary Detention reported that asylum seekers whose status had not yet been settled were placed in the facility together with convicts who had served their sentence and were awaiting their voluntary return to their country of origin,[205] and that the majority of them were not aware of their right to leave the facility.[206]

6. Stateless persons

62. The Committee on the Elimination of Racial Discrimination recommended that Azerbaijan adopt a legislative framework providing procedures for the registration, documentation and access to citizenship for stateless persons.[207] In its follow-up report to the Committee, the Government noted the measures that had been taken to reduce and prevent statelessness, such as the 2015 regulation on the determination of the relation of person to the citizenship of the Republic of Azerbaijan.[208]

E. Specific regions or territories[209]

63. Two treaty bodies expressed concern that the protracted conflict in the Nagorno-Karabakh region impeded the enjoyment of the rights enshrined in various treaties.[210] The Committee on the Elimination of Racial Discrimination encouraged Azerbaijan to seek a peaceful settlement to the conflict.[211]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Azerbaijan will be available at www.ohchr.org/EN/Countries/ENACARegion/Pages/AZIndex.aspx.
2 For relevant recommendations, see A/HRC/24/13, paras. 109.1 and 109.12.
3 See CAT/C/AZE/CO/4, para. 41, E/C.12/AZE/CO/3, para. 27 and CEDAW/C/AZE/CO/5, para. 44.
4 See CEDAW/C/AZE/CO/5, para. 23 (e). See also United Nations country team submission for the universal periodic review of Azerbaijan, p. 6.
5 See CMW/C/AZE/CO/2, para. 11.
6 See CCPR/C/AZE/CO/4, para. 4.
7 See United Nations country team submission, p. 1.
8 *OHCHR Report 2014*, p. 63.
9 Forthcoming *OHCHR Report 2017*.
10 For relevant recommendations, see A/HRC/24/13, paras. 109.13 and 109.17.
11 See A/HRC/34/52/Add.3, para. 23.
12 See CCPR/C/AZE/CO/4, para. 6.
13 See A/HRC/34/52/Add.3, para. 24.
14 Ibid., para. 25.

[15] See CAT/C/AZE/CO/4, para. 4 (a)–(d), CCPR/C/AZE/CO/4, para. 3 (b) and E/C.12/AZE/CO/3, para. 4 (c).
[16] See CCPR/C/AZE/CO/4, para. 3 (c)–(d). See also CERD/C/AZE/CO/7-9, para. 4 (b).
[17] See CMW/C/AZE/CO/2, para. 5 (a).
[18] For relevant recommendations, see A/HRC/24/13, paras. 109.55, 109.62–109.63, 109.141 and 110.3.
[19] See CERD/C/AZE/CO/7-9, paras. 21–22.
[20] Ibid., paras. 13–14.
[21] Ibid., paras. 5–6.
[22] See CCPR/C/AZE/CO/4, para. 8.
[23] Press briefing. See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22230&LangID=E.
[24] Press briefing. See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22232&LangID=E.
[25] See CRPD/C/AZE/CO/1, para. 13.
[26] For relevant recommendations, see A/HRC/24/13, paras. 109.37 and 109.46.
[27] See A/HRC/29/28/Add.1, para. 51.
[28] Ibid., para. 52.
[29] Ibid., para. 55.
[30] Ibid., para. 94 (c).
[31] Ibid., para. 66.
[32] Ibid., para. 94 (k).
[33] Ibid., para. 94 (r).
[34] For relevant recommendations, see A/HRC/24/13, paras. 109.70, 109.78, 109.92 and 109.95.
[35] See CAT/C/AZE/CO/4, para. 8. See also CAT/C/AZE/CO/4, paras. 18–20.
[36] Ibid., para. 8.
[37] Ibid., para. 38.
[38] See A/HRC/36/37/Add.1, para. 63.
[39] See CCPR/C/AZE/CO/4, para. 18.
[40] UNESCO submission for the universal periodic review of Azerbaijan, para. 11.
[41] See CAT/C/AZE/CO/4, para. 29.
[42] See CCPR/C/AZE/CO/4, para. 22. See also CAT/C/AZE/CO/4, para. 24 and CRPD/C/AZE/CO/1, para. 30.
[43] See A/HRC/36/37/Add.1, para. 21.
[44] See CAT/C/AZE/CO/4, para. 24. See also CCPR/C/AZE/CO/4, para. 18.
[45] See CAT/C/AZE/CO/4, para. 22. See also CCPR/C/AZE/CO/4, para. 18.
[46] See CAT/C/AZE/CO/4, para. 23. See also CCPR/C/AZE/CO/4, para. 19 (b) and CRPD/C/AZE/CO/1, para. 31.
[47] See CCPR/C/AZE/CO/4, para. 20.
[48] See CAT/C/AZE/CO/4, para. 12. See also A/HRC/36/37/Add.1, para. 52 and CCPR/C/AZE/CO/4, para. 24.
[49] See A/HRC/36/37/Add.1, para. 69. See also CCPR/C/AZE/CO/4, para. 24.
[50] See A/HRC/36/37/Add.1, para. 69.
[51] Ibid., para. 47.
[52] Ibid., para. 53.
[53] For relevant recommendations, see A/HRC/24/13, paras. 109.90, 109.96–109.99 and 110.1.
[54] See A/HRC/36/37/Add.1, para. 22.
[55] Ibid., para. 23.
[56] Ibid., para. 77.
[57] See CCPR/C/AZE/CO/4, para. 26. See also CAT/C/AZE/CO/4, para. 14 and A/HRC/36/37/Add.1, para. 76.
[58] See CAT/C/AZE/CO/4, para. 16.
[59] For relevant recommendations, see A/HRC/24/13, paras. 109.26, 109.29, 109.79, 109.102, 109.140 and 110.2.
[60] See CCPR/C/AZE/CO/4, para. 32.
[61] Ibid., para. 32.
[62] Ibid., para. 34.
[63] Ibid., para. 36. See also CCPR/C/118/D/2205/2012.
[64] See UNESCO submission, para. 16.
[65] See A/HRC/34/52/Add.3, para. 46. See also CCPR/C/AZE/CO/4, para. 36 (c), UNESCO submission, para. 18 and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20544&LangID=E.
[66] See A/HRC/34/52/Add.5, para. 28.
[67] See A/HRC/36/37/Add.1, para. 80. See also A/HRC/29/28/Add.1, para. 35.
[68] See CCPR/C/AZE/CO/4, paras. 18, 36 (a) and 40, CAT/C/AZE/CO/4, para. 10, CERD/C/AZE/CO/7-

9, para. 35 and CEDAW/C/AZE/CO/5, para. 16.
[69] See CAT/C/AZE/CO/4, para. 11.
[70] See CERD/C/AZE/CO/7-9, para. 36. See also CCPR/C/AZE/CO/4, para. 37 and CEDAW/C/AZE/CO/5, para. 17 (b).
[71] High Commissioner's public statement issued on 8 September 2015. See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16393&LangID=E.
[72] See UNESCO submission, para. 7.
[73] OHCHR news release, "UN experts urge Azerbaijan to end travel ban on award-winning investigative journalist Khadija Ismayilova". See also CCPR/C/AZE/CO/4, para. 30.
[74] See A/HRC/34/52/Add.3, para. 37. See also CCPR/C/AZE/CO/4, para. 36 (a).
[75] See A/HRC/36/37/Add.1, para. 80.
[76] See CCPR/C/AZE/CO/4, paras. 28–29. See also CAT/C/AZE/CO/4, paras. 16–17.
[77] United Nations country team submission, p. 7.
[78] See CCPR/C/AZE/CO/4, para. 40. See also E/C.12/AZE/CO/3, para. 25, CEDAW/C/AZE/CO/5, para. 16 and CAT/C/AZE/CO/4, para. 10.
[79] See CAT/C/AZE/CO/4, para. 10. See also E/C.12/AZE/CO/3, para. 25, CEDAW/C/AZE/CO/5, para. 16 and CCPR/C/AZE/CO/4, para. 40.
[80] See CCPR/C/AZE/CO/4, para. 41 (a)–(b). See also E/C.12/AZE/CO/3, para. 25.
[81] See CCPR/C/AZE/CO/4, para. 38.
[82] Ibid., para. 43.
[83] Ibid., paras. 30–31.
[84] For relevant recommendations, see A/HRC/24/13, paras. 109.84 and 109.87.
[85] See United Nations country team submission pp. 6–7. See also CEDAW/C/AZE/CO/5, paras. 5 (a) and (d) and 24, CMW/C/AZE/CO/2, paras. 5 (c)–(d) and 44, CERD/C/AZE/CO/7-9, para. 4 (d) and CAT/C/AZE/CO/4, para. 32.
[86] See United Nations country team submission, p. 7.
[87] Ibid. p. 8.
[88] See CMW/C/AZE/CO/2, para. 44.
[89] See CEDAW/C/AZE/CO/5, para. 24 (a).
[90] See E/C.12/AZE/CO/3, para. 20.
[91] Ibid., CMW/C/AZE/CO/2, para. 45 and CAT/C/AZE/CO/4, para. 33.
[92] See E/C.12/AZE/CO/3, para. 12. See also United Nations country team submission, p. 7.
[93] For relevant recommendations, see A/HRC/24/13, paras. 109.66 and 109.151.
[94] See E/C.12/AZE/CO/3, para. 11.
[95] See A/HRC/29/28/Add.1, para. 71.
[96] See E/C.12/AZE/CO/3, para. 10 and CEDAW/C/AZE/CO/5, para. 30. See also CCPR/C/AZE/CO/4, para. 14.
[97] See E/C.12/AZE/CO/3, para. 15.
[98] See A/HRC/29/28/Add.1, para. 78.
[99] Ibid., para. 79. See also E/C.12/AZE/CO/3, para. 15.
[100] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3143746.
[101] See United Nations country team submission, p. 7.
[102] For relevant recommendations, see A/HRC/24/13, paras. 109.37, 109.45, 109.47, 109.54 and 109.141.
[103] See E/C.12/AZE/CO/3, para. 23.
[104] Ibid., para. 14.
[105] See United Nations country team submission, p. 3.
[106] See E/C.12/AZE/CO/3, para. 22.
[107] For relevant recommendations, see A/HRC/24/13, paras. 109.42, 109.46 and 109.149.
[108] See CEDAW/C/AZE/CO/5, para. 32. See also CEDAW/C/AZE/CO/5, para. 5 (b) and A/HRC/23/41/Add.1, para. 15.
[109] See E/C.12/AZE/CO/3, para. 16.
[110] A/HRC/23/41/Add.1.
[111] Ibid., para. 11.
[112] Ibid., para. 27.
[113] See CEDAW/C/AZE/CO/5, para. 5 (b).
[114] Ibid., para. 32 and E/C.12/AZE/CO/3, para. 16.
[115] See United Nations country team submission, p. 5.
[116] For relevant recommendations, see A/HRC/24/13, paras. 109.144 and 109.148–109.149.
[117] See CEDAW/C/AZE/CO/5, para. 28.
[118] See UNESCO submission, para. 12.
[119] See CEDAW/C/AZE/CO/5, para. 28 (a)–(d). See also E/C.12/AZE/CO/3, para. 10.
[120] See A/HRC/26/38/Add.3, para. 42 and UNESCO submission, para. 12.
[121] See E/C.12/AZE/CO/3, para. 23. See also CMW/C/AZE/CO/2, para. 33 (a)–(b).

[122] See UNESCO submission, para. 13.
[123] Ibid., para. 14. See also CEDAW/C/AZE/CO/5, para. 13 (c).
[124] For relevant recommendations, see A/HRC/24/13, paras. 109.55, 109.67, 109.80, 109.83 and 109.100–109.101.
[125] See CEDAW/C/AZE/CO/5, paras. 20 and 21 (b) and A/HRC/26/38/Add.3, para. 40. See also CCPR/C/AZE/CO/4, paras. 14–15 and E/C.12/AZE/CO/3, para. 10.
[126] See United Nations country team submission, p. 5.
[127] Ibid., p. 5.
[128] See CEDAW/C/AZE/CO/5, paras. 26–27. See also CCPR/C/AZE/CO/4, paras. 14 and 15 (b).
[129] See A/HRC/26/38/Add.3, para. 4, CCPR/C/AZE/CO/4, para. 16, E/C.12/AZE/CO/3, para. 18 and CAT/C/AZE/CO/4, para. 30.
[130] See CEDAW/C/AZE/CO/5, para. 22 (a), E/C.12/AZE/CO/3, para. 18 and CCPR/C/AZE/CO/4, para. 16.
[131] CCPR/C/AZE/CO/4, para. 16.
[132] Ibid.
[133] See A/HRC/26/38/Add.3. See also CEDAW/C/AZE/CO/5, para. 9 (b), CCPR/C/AZE/CO/4, para. 17 (b) and CAT/C/AZE/CO/4, para. 31.
[134] See CAT/C/AZE/CO/4, para. 30.
[135] See CEDAW/C/AZE/CO/5, para. 22 (c)–(d), CCPR/C/AZE/CO/4, para. 16 and CAT/C/AZE/CO/4, para. 30.
[136] United Nations country team submission, p. 4.
[137] Ibid., p. 5.
[138] See A/HRC/26/38/Add.3, para. 15, CCPR/C/AZE/CO/4, paras. 14 and 15 (d), CEDAW/C/AZE/CO/5, paras. 38 and 39 (b) and E/C.12/AZE/CO/3, para. 19.
[139] For relevant recommendations, see A/HRC/24/13, paras. 109.25, 109.48, 109.50, 109.59, 109.82, 109.89, 109.96–109.97, 109.141, 109.152 and 109.154.
[140] See United Nations country team submission, p. 2.
[141] Ibid., p. 1.
[142] Ibid.
[143] See CEDAW/C/AZE/CO/5, paras. 24 (c) and 25 (c).
[144] See United Nations country team submission, p. 2.
[145] Ibid., p. 3. See also CAT/C/AZE/CO/4, para. 21.
[146] See A/HRC/36/37/Add.1, para. 70. See also www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20022&LangID=E.
[147] See A/HRC/36/37/Add.1, para. 73.
[148] Ibid., para. 74.
[149] See CAT/C/AZE/CO/4, para. 21.
[150] See A/HRC/36/37/Add.1, para. 98 (f).
[151] See CRPD/C/AZE/CO/1, paras. 38–39.
[152] UNHCR submission for the universal periodic review of Azerbaijan, p. 2. See CERD/C/AZE/CO/7-9, paras. 31–32.
[153] See A/HRC/29/34/Add.1, para. 59.
[154] Ibid., para. 39.
[155] Ibid., para. 40.
[156] See United Nations country team submission, p. 3.
[157] See CRPD/C/AZE/CO/1, paras. 40–41 (a), CCPR/C/AZE/CO/4, para. 10 and E/C.12/AZE/CO/3, para. 17.
[158] See CRPD/C/AZE/CO/1, para. 38.
[159] Ibid., para. 32.
[160] For relevant recommendations, see A/HRC/24/13, paras. 109.150 and 109.155.
[161] See CRPD/C/AZE/CO/1, paras. 8–9. See also CCPR/C/AZE/CO/4, para. 10.
[162] See CRPD/C/AZE/CO/1, para. 20.
[163] Ibid., para. 22. See also CCPR/C/AZE/CO/4, para. 10.
[164] See CRPD/C/AZE/CO/1, para. 42. See also E/C.12/AZE/CO/3, para. 11.
[165] See CRPD/C/AZE/CO/1, para. 44.
[166] Ibid., para. 26.
[167] Ibid., para. 10.
[168] Ibid., para. 16.
[169] See CCPR/C/AZE/CO/4, paras. 10–11.
[170] See A/HRC/36/37/Add.1, para. 32.
[171] Ibid., para. 31. See also www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20022&LangID=E.
[172] See A/HRC/36/37/Add.1, para. 42.

[173] See CRPD/C/AZE/CO/1, para. 28, CCPR/C/AZE/CO/4, para. 12 and CAT/C/AZE/CO/4, para. 26.
[174] See A/HRC/36/37/Add.1, paras. 36–38.
[175] Ibid., para. 40.
[176] Ibid., para. 44.
[177] See CAT/C/AZE/CO/4, para. 26. See also CCPR/C/AZE/CO/4, para. 12.
[178] For the relevant recommendations, see A/HRC/24/13, para. 109.141.
[179] See CERD/C/AZE/CO/7-9, para. 23.
[180] Ibid., para. 24.
[181] Ibid., para. 8.
[182] Ibid., paras. 25–26.
[183] See E/C.12/AZE/CO/3, para. 8.
[184] See CCPR/C/AZE/CO/4, para. 44.
[185] For relevant recommendations, see A/HRC/24/13, paras. 109.68–109.69, 109.141, 109.156 and 109.158.
[186] See CMW/C/AZE/CO/2, para. 20.
[187] Ibid., para. 23 (a).
[188] See CERD/C/AZE/CO/7-9, paras. 33–34. See also E/C.12/AZE/CO/3, para. 21.
[189] See A/HRC/29/34/Add.1, para. 31.
[190] Ibid., para. 36.
[191] Ibid., para. 23. See also E/C.12/AZE/CO/3, para. 9 and CEDAW/C/AZE/CO/5, para. 12.
[192] See A/HRC/29/34/Add.1, para. 44. See also E/C.12/AZE/CO/3, para. 9 and CEDAW/C/AZE/CO/5, para. 12.
[193] See A/HRC/29/34/Add.1, para. 45.
[194] Ibid., para. 48.
[195] Ibid., para. 49. See also CCPR/C/AZE/CO/4, para. 30.
[196] See A/HRC/29/34/Add.1, para. 51.
[197] Ibid., paras. 64–65.
[198] See CAT/C/AZE/CO/4, para. 34.
[199] UNHCR submission, p. 2.
[200] See CMW/C/AZE/CO/2, paras. 28–29 and CERD/C/AZE/CO/7-9, paras. 33–34.
[201] UNHCR submission, p. 1.
[202] Ibid., p. 2.
[203] Ibid., p. 3.
[204] Ibid.
[205] See A/HRC/36/37/Add.1, para. 29.
[206] Ibid., para. 30.
[207] See CERD/C/AZE/CO/7-9, paras. 31–32. See also E/C.12/AZE/CO/3, para. 9.
[208] See CERD/C/AZE/CO/7-9/Add.1, paras. 7–9.
[209] For the relevant recommendation, see A/HRC/24/13, para. 110.4.
[210] See CERD/C/AZE/CO/7-9, para. 3 and CMW/C/AZE/CO/2, para. 7.
[211] See CERD/C/AZE/CO/7-9, para. 3.

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Summary of Stakeholders' submissions on Azerbaijan*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 20 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. Forum 18 highlighted that Azerbaijan had not fulfilled its legally binding obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which led to a climate of impunity for officials and the absence of the rule of law, where unjust trials with flagrant breaches of due process are normal.[4]

B. National human rights framework[5]

3. Joint Submission1 (JS1) reported that the 2016 amendments to the Constitution were approved without any parliamentary debate or scrutiny of the proposals, amid a crackdown on journalists, activists and groups opposed to the amendments. It also stated that the

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referendum was plagued by reports of irregularities, including ballot stuffing and fraud. The said amendments included consolidation of the powers of the President and weakening of democratic checks and balances, including by weakening the Courts.[6]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[7]

4. Joint Submission 3 (JS3) noted that there were indications that several transsexual sex workers were arrested by the police and that gay and transsexual people had been arrested in their apartments.[8] It recommended that Azerbaijan put an end to the government supported smear campaigns against lesbian, gay, bisexual, and transgender persons and prevent their arbitrary detention.[9]

5. Women and Modern World reported that about 150 homosexuals and transgender people were detained in Baku during police raids in mid-September 2017. More than a third of them were arrested for up to 30 days[10] and transgender women who were engaged in sex work in the streets suffered the highest level of abuse from both law enforcement bodies and society. Gender reassignment surgeries and hormonal therapy were not available in Azerbaijan, which considerably limits transgender women's access to employment.[11] It recommended that Azerbaijan conduct proper investigations on police blackmailing, harassment and violence against LGBT people, duly punishing those responsible and setting up administrative and legal frameworks to eradicate such practices as well as to develop a legal and medical system, which would allow transgender people to change their bodies and legal papers in accordance with their gender identity.[12]

Development, the environment, and business and human rights[13]

6. Crude Accountability reported that most villagers interviewed from the Sangechal, Massive III, Ezimkend, and Umid settlements near the Shah Deniz gas extraction site complained about air quality.[14] Concerns were expressed about lack of access to clean drinking water, absence of adequate sanitation facilities and infrastructure and sewage disposal, as well as soil contamination. It noted that villagers in Sengechal, Massive III, Ezimkend, and Umid also reported of abnormally high rates of deformities and mortality in livestock in the last several years.[15] It also highlighted Government authorities' insistence that it is illegal to build houses and infrastructure near the oil and gas fields thus not providing deeds to the existing houses. It further reported that schools in Ezimkend and Massive III were in bad condition, and lacked heating in the winter.[16]

7. Crude Accountability recommended that Azerbaijan invite the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in order for them to assess the protection of the rights of communities living near oil and natural gas exploration and processing sites in Azerbaijan. It also recommended that the Ministry of Health conduct a timely investigation into the air, water, and soil quality in the affected villages.[17]

2. Civil and political rights

Right to life, liberty and security of person[18]

8. Organization for Defending Victims of Violence (ODVV) reported of torture and ill-treatment of human rights activists.[19] ODVV recommended that Azerbaijan should take all possible measures to eliminate torture and inhuman treatment with its citizens, specifically human rights defenders and members of religious groups.[20]

9. Human Rights Watch (HRW) emphasized that despite Azerbaijan's acceptance of numerous UPR recommendations "to take all necessary measures to eradicate the practice of ill-treatment and use of torture in detention," and "to ensure that all allegations of torture are effectively investigated," torture and ill-treatment continue with impunity.

10. By way of an example, HRW noted that at the January 2017 trial of those arrested in November 2015 in Nardaran, 17 men made credible allegations of ill-treatment in detention to coerce confessions and testimony against others. The men alleged that officers at the Interior Ministry Organized Crime Unit headquarters placed sacks on their heads, handcuffed them, and beat them with truncheons, including on their genitals and bottoms of their feet. Some also said that officials used electric shocks on them, and threatened to rape their wives or sisters. The men also alleged that police beat and kicked them in a police van upon detention. HRW highlighted that the authorities failed to effectively investigate these allegations.[21]

11. In this regard, HRW recommended that Azerbaijan: thoroughly investigate all allegations of torture and ill-treatment of detainees and hold perpetrators accountable; and make a statement at the highest level condemning torture and ill-treatment.[22]

12. Forum 18 stated that torture could be a part of raids on anyone exercising freedom of religion and belief. For example, in a September 2013 raid on a Jehovah's Witness family, police forced their way into their home and confiscated books including personal Bibles, money, and medical and financial documents.[23]

13. The Council of Europe Commissioner for Human Rights (CoE-HC) noted a general pattern of repression in Azerbaijan against those expressing dissent or criticism of the authorities, including human rights defenders, their lawyers, journalists, bloggers and other activists stressing that reprisals against the civil society of his Office make it increasingly difficult to work on human rights issues in Azerbaijan.[24]

Administration of justice, including impunity, and the rule of law[25]

14. International Bar Association Human Rights Institute (IBAHRI) reported that the number of qualified lawyers was alarmingly low[26] and that the Azerbaijani Bar Association lacked independence.[27] Meanwhile, JS3 also noted that the harassment and use of disciplinary sanctions against independent lawyers was a cause for serious concern. Threats of disbarment or temporary suspension were used to discourage lawyers from taking on politically sensitive cases and from making appeals.[28]

15. Similarly, International Commission of Jurists (ICJ) reported that the bar association suffered from serious institutional weakness and did not operate as self-governing institution.[29] It recommended that the independence and role of lawyers must be respected by all institutions of the State and by all public authorities.[30] It also recommended that governmental authorities, in co-operation and consultation with the Bar Association and with lawyers themselves, should take steps to ensure that lawyers are protected from intimidation, hindrance, harassment or other improper interference in their work.[31] Lawyers for Lawyers (L4L) raised similar concerns and provided individual examples of harassment and removal of lawyers from cases and criminal proceedings initiated against them.[32]

IBAHRI also noted cases of human rights lawyers who were disbarred by the Azerbaijan Bar Association.[33]

16. The Group of States against Corruption of the Council of Europe (CoE-GRECO) recommended that the objectives of safeguarding and strengthening judicial independence be explicitly stipulated in the mandate of the Judicial Legal Council (JLC), and that the role of the judiciary within the JLC be reinforced notably by providing for not less than half of its members to be composed of judges who are directly elected or appointed by their peers, and by ensuring that the JLC president is elected from among the JLC members who are judges.[34]

Fundamental freedoms and the right to participate in public and political life[35]

17. ADF International (ADF) noted that religious freedom was not respected to the fullest extent in practice, required by international law as the right to manifest one's religion was limited by rules that prohibit the ability of any religious community to freely evangelize and proselytize, and by restrictions placed on certain "non-traditional" religious groups regarding registration and free operation.[36]

18. European Centre for Law and Justice (ECLJ) noted that the Government used restrictions to stifle its minority citizens' rights to freedom of religion.[37] It also noted that the State Committee for Work with Religious Organisations (SCWRO) continued to increase its control of religious communities with prohibitions on media, publications, the dissemination of information, and proselytism.[38] ECLJ, Freedom Now and ADF reported that religious groups in Azerbaijan were required to register with the government through complex and onerous process,[39] and were often either denied the registration or kept waiting for the application to be processed and provided examples in that regard.[40]

19. Forum 18 reported of cases of torture for practicing one's religion and other violations, including closure of Sunni Muslim mosques.[41] Freedom Now reported similar concerns.[42] Forum 18 noted that on 1 March 2016 as part of a new Code of Administrative Offences added a penalty of deportation for foreigners "guilty" of sending individuals abroad for religious education without permission and selling state-approved religious literature and materials away from places where the state allowed them to be sold.[43] These latest Administrative Code changes followed December 2015 changes to the Criminal Code targeting those who lead Muslim worship after having gained religious education abroad.[44]

20. JS1 noted Azerbaijan's practice of targeting critical or dissenting voices with politically motivated arrests on spurious charges, extended pre-trial detentions and custodial sentences. It highlighted that there were waves of arbitrary arrests and detentions prior to and around significant events.[45] JS1 also provided a list of individuals belonging to political opposition, who were arbitrarily arrested or detained on politically motivated charges.[46] Joint Submission 2 (JS2), IPHR, Human Rights Watch and Freedom Now highlighted, among others, the case of Ilgar Mammadov, leader of the Republican Alternative Movement, who remained in detention.[47] JS2 also noted the wave of arrests of dissenting voices prior to the 2016 constitutional referendum.[48]

21. Human Rights Watch and Freedom Now reported that in 2015 and 2016, authorities released about 17 human rights defenders, journalists and political activists, but none had their convictions vacated.[49] JS1 noted that released political prisoners were commonly unable to return to their previous work and political activities. Many had not had convictions quashed, are under surveillance, face travel bans, and ongoing harassment.[50] JS1 called for immediate and unconditional release of all persons arbitrarily detained for exercising their rights to freedom of expression, as well as cease the arbitrary arrest and detentions of individuals for politically motivated reasons.[51]

22. JS1 provided a list of individual cases of journalists and bloggers who faced death, intimidation and threats, while the perpetrators faced impunity. It recommended that Azerbaijan take measures to ensure the safety of journalists, in line with Human Rights Council resolution 33/2, including by condemning violence against journalists and ensuring speedy, impartial and thorough investigation into such cases, among others.[52] JS2, IPHR and Human Rights Watch provided a list of journalists who had been particularly targeted, including cases of arrests and sentencing.[53] Freedom Now stated that Azerbaijan increased the maximum term of imprisonment under the Administrative Code and now it equals minimum detention term under the criminal code.[54]

23. JS1 noted that the authorities dominated the country's media landscape, through regulations, direct ownership or indirect economic control and that many independent media outlets had been forced to close or go into exile, with those still operating inside the country subject to police raids, financial pressures, and prosecution of journalists and editors on politically motivated charges.[55] JS1, IPHR, Human Rights Watch and Freedom Now provided a list of media outlets that were forcibly closed or targeted by the authorities.[56]

24. JS1 noted the 2017 amendments to the laws on "Information, Informatisation and Protection of Information" and "Telecommunications", extending government control over online media.[57] It reported that access to a number of online new sites with content critical of the government were blocked in Azerbaijan without informing the hosts or owners of these outlets in advance.[58] JS1 recommended that laws should be reformed to remove reference to prohibitions on content that do not comply with international human rights law on freedom of expression, and to ensure that websites are only blocked on the basis of an independent court order and are strictly proportionate to the aim pursued. It also recommended decriminalizing defamation fully, including by reversing the introduction of heightened penalties for online forms of defamation, repealing Articles 148, 148-1, 323.1, and 323.1-1 of the Criminal Code.[59]

25. Human Rights Watch and JS1 noted the amendments to Articles 148 and 323 of the Criminal Code, creating a new offence of "slander or insult" through "fake user names, profiles or accounts", as well as increasing penalties for "smearing or humiliating the honour and dignity" of the Azerbaijani president where the offence is committed online. The Government had not acted on its 2011 proposal to decriminalize defamation, which currently carries a sentence of up to 3 years in prison. [60] In this regard, the Office of Democratic Institutions and Human Rights, Organization for Security and Co-operation in Europe (OSCE-ODHIR) recommended: that consideration should be given to repealing criminal defamation provisions in favour of civil sanctions designed to restore the reputation harmed rather than compensate the plaintiff or punish the defendant, and that sanctions should be strictly proportionate to the actual harm caused and the law should prioritize the use of non-pecuniary remedies.[61]

26. IPHR and JS1 noted the 2013 and 2014 amendments to the 2011 Law on Non-Governmental Organisations (Public Associations and Funds), which provided the government with broad discretion to dissolve, impose financial penalties on, and freeze the assets of NGOs for infractions of administrative regulations, closing the few remaining loopholes for the operation of unregistered, independent, and foreign organisations.[62] JS1 noted that the 2014 amendments established a de facto licensing regime for NGOs, giving the government broad discretion to arbitrarily refuse or delay the registration of grants, as well as made it much harder for foreign entities to provide grants to local NGOs, requiring them to have an agreement with government ministries.[63] JS2, JS3, and Human Rights Watch raised similar concerns.[64]

27. JS1 also noted that the President signed into law a decree on the Simplification of Registration of Foreign Grants in Azerbaijan, effective from 1 January 2017, which did not

address the legal requirement for NGOs to register grants, and did not change the broad discretion of the authorities to arbitrarily deny grant registration.[65] JS1 recommended that Azerbaijan comprehensively reform all laws limiting the right to freedom of association, in particular the 2011 law on NGOs and the 2013 and 2014 amendments thereto, and bring them in line with international human rights law.[66]

28. With regard to the right to freedom of assembly, JS1 noted that on 14 May 2013, amendments to the Code of Administrative Offences increased the penalties for "organising, holding and attending an unauthorised assembly" to 60 days' detention.[67] JS2 raised similar concerns.[68] JS1 and IPHR also noted that police used unlawful and disproportionate force to disperse protests, and participants in peaceful assemblies had been arbitrarily detained. They provided examples of arrests for participation in unauthorized protest.[69] Freedom Now reported that 185 persons were detained for participating in authorized rally against referendum on constitutional amendments.[70] JS1 recommended that Azerbaijan comprehensively reform the 2008 Law on Peaceful Assembly (as amended) and the 2013 amendments to the Code of Administrative Offences, including by removing penalties for "unauthorised assemblies", and removing blanket prohibitions on assemblies in the centre of Baku, ensuring that any location-based limitations are necessary and proportionate.[71]

29. OSCE-ODHIR noted that the 9 October 2013 presidential election was undermined by limitations on the freedoms of expression, assembly and association that did not guarantee a level playing field for candidates. It also noted that there were continued allegations of candidate and voter intimidation and a restrictive media environment.[72]

Prohibition of all forms of slavery[73]

30. The Council of Europe Convention on Action against Trafficking in Human Being (CoE-GRETA) recommended that Azerbaijan take further action particularly in the following areas: strengthening action to prevent and combat trafficking for the purpose of labour exploitation, in particular in sectors at risk such as construction, agriculture and domestic work; developing the aspect of prevention through social and economic measures for groups vulnerable to human trafficking, securing the registration of all persons, as well as discouraging demand for services from trafficked persons; further improving the identification of victims of trafficking, in particular by strengthening the involvement of specialised NGOs and other frontline actors in victim identification, and improving the detection of victims of trafficking among children and irregular migrants; strengthening efforts to provide assistance to victims of trafficking and facilitate their reintegration into society, including by securing funding for assistance measures provided by NGOs; adopting further measures to facilitate victims' access to compensation; improving further the knowledge and sensitivity of investigators, prosecutors and judges about human trafficking and the rights of victims, with a view to ensuring that human trafficking cases are investigated and prosecuted promptly and effectively, leading to proportionate and dissuasive sanctions; and making full use of the measures available to protect victims, witnesses of trafficking and NGOs supporting victims to ensure that they are adequately protected from potential retaliation and intimidation.[74]

Right to privacy and family life[75]

31. Women and Modern World noted that the Programme of Family Planning propagandized actively against early marriages, marriages among close relatives and other specific characteristics of the demographic situation in the country. It also highlighted the serious problem of distorted sex ratios observed broadly in regions of Azerbaijan.[76]

32. Women and Modern World also noted that gender-based restrictions represented one of the key issues in the field of sexual and reproductive rights for both women and men.

The society valued men over women because ethnicity and family name was passed through men. Many families decided to abort female foetuses.[77]

33. According to Women and Modern World, most lesbian, gay, bisexual and transsexual persons (LGBT) live with their families because of family pressure and the social norm that a child should live with their family until marriage. Very few LGBT people tell their families about their sexual orientation or gender identity fearing being disowned or forcibly married.[78]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[79]

34. The European Committee of Social Rights (CoE-SR Committee) concluded in 2016 that in practice, the free exercise of the right to form trade unions was not ensured in multinational companies; there was not an adequate and proportionate compensation to the harm suffered by a worker discriminated against for having joined a trade union; and the social and economic interests of the police were not protected by professional organisations or trade unions.[80]

35. The CoE-SR Committee concluded in 2016 that: public employment services did not operate in an efficient manner; legislation did not provide for a shift in the burden of proof in gender discrimination cases; women were not permitted to work in all professions which constitutes discrimination based on sex; and the unadjusted gender pay gap was manifestly too high.[81]

36. Women and Modern World noted surveys that found that about 30 per cent of women experienced sexual harassment at work and the social perception that women should quit their job if they experience sexual harassment from their employer or a co-worker.[82]

37. The European Commission against Racism and Intolerance (CoE-ECRI) noted that informal employment was widespread in Azerbaijan. In 2014, the authorities identified about 37,420 migrants in an irregular situation. It recommended that the authorities step up their efforts to ensure that employers declare all migrant workers and to remove the obstacles to registration of migrant workers.[83]

Right to social security

38. The CoE-SR Committee concluded in 2016 that access to social services by nationals of other States Parties was subject to an excessive length of residence requirement.[84]

Right to an adequate standard of living[85]

39. The Council of Europe Commissioner for Human Rights (CoE-HC) expressed concerns about the effective enjoyment of the right to property in the context of the ongoing general urban renewal of Baku. He called on the authorities to ensure that all further expropriations and demolitions are carried out in a lawful and transparent manner. He also emphasized that the authorities should also provide fair market value compensations and allow access to an effective national remedy for those who would like to impugn the decisions against their properties.[86]

Right to health[87]

40. The CoE-SR Committee concluded in 2016 that the measures taken to reduce infant and maternal mortality have been insufficient, and that public healthcare expenditure is too

low. It also concluded that legislation did not prohibit the sale and use of asbestos, and that adequate measures were not taken to prevent accidents.[88]

41. Women and Modern World stated that the high incidence of maternal and infant death in Azerbaijan was connected primarily to three factors: 1) low degree of awareness and knowledge of reproductive health of women, even though the State is making efforts to change this situation; 2) low qualifications of doctors, even though State facilities provide free-of-charge care for pregnant women; and 3) widespread poverty among the population, even though traditionally special attention is paid by families to the proper nourishment for pregnant women.[89]

42. With regard to sexual and reproductive health, Women and Modern World reported that the majority of the population did not yet have full enjoyment of their right to sexual health, nor enough awareness and knowledge of health issues in general and sexual issues in particular.[90] It reported that selective abortions, i.e., abortions committed because the sex of the child is female, was a serious problem in Azerbaijan.[91]

43. Women and Modern World stated that forced HIV testing enforced by law enforcement bodies was common among the key affected populations such as sex workers, injection drug users and men who have sex with men. It recommended that Azerbaijan take measures to: stop forced testing of key populations affected by HIV/AIDS; conduct public campaigns on raising awareness about HIV prevention and testing targeting the affected groups, specifically migrants, young people, sex workers and injecting drug users; and ensure free treatment for people living with HIV.[92]

Right to education[93]

44. Women and Modern World stated that families limited their daughters' access to education to protect 'family honour' through not allowing them to enter universities in other cities.[94]

45. Women and Modern World also highlighted that girls frequently left school at just 13–14 year olds, but schools usually kept silent about it. According to statistics, the number of girls from the regions applying to go on to higher education was low. In larger towns, girls did not usually have problems obtaining a higher education; however, there were widespread stereotypes about such diplomas obtained by girls being more of a 'dowry'.[95]

46. The CoE-ECRI highlighted that under the new legal framework of Azerbaijan, the right to education of many foreigners was limited by quotas and agreements concluded by the educational institutions (Article 44.1 of the Law on Education).[96]

4. Rights of specific persons or groups

Women[97]

47. JS3 reported that as of September 2017 there was no National Action Plan on implementing the Law on Domestic Violence, adopted in August 2010 and of the increasing number of murders of women, mostly by their husbands, former husbands or partners.[98] JS3 also noted the lack of action by the State to offer solutions for women victims of domestic violence and lack of prosecution of authors of such violence.[99] Advocates for Human Rights (AHR) noted the anecdotal evidence suggesting that domestic violence resulted in many murders and apparent suicides, but statistical reporting on homicide and suicide was not dis-aggregated based on factors such as sex or as to whether the victim experienced domestic violence.[100]

48. AHR stated that domestic violence in Azerbaijan was prevalent with 43% of women had experienced domestic violence,[101] whereas Women and Modern World cited even

higher percentage.[102] Harmful stereotypes about women's traditional role in the family and society prevailed[103] and that, despite some improvements, the police still held misperceptions that domestic violence issues should stay within the home.[104] AHR recommended that Azerbaijan intensify efforts to promote and protect women's rights, combat domestic violence, and promote gender equality.[105] It also recommended, in particular, implementing the laws, adopting measures to ensure reforms on gender violence, and considering development of a national action plan to promote women's rights.[106]

49. Women and Modern World recommended that the authorities assess the situation of sexual harassment in the society and take measures to implement the existing legislation provisions.[107]

50. Women and Modern World also reported that in case of rape the families usually tried to cover it up and, if a victim was single, might offer her the possibility to marry the perpetrator. Reporting a rape was also a long and humiliating endeavor.[108] It recommended that Azerbaijan include marital rape in the current legislation and raise public awareness about the issue of consent in sexual relations as well as implement the appropriate mechanisms for women to be able to report rape cases.[109]

Children[110]

51. The CoE-SR Committee concluded in 2016 that children over 16 but under the age of 18 may be held criminally liable for prostitution; that children were not protected against the misuse of information technologies; and that not all forms of corporal punishment were prohibited in the home and in institutions.[111]

52. The CoE-SR Committee also concluded in 2016 that children who are still subject to compulsory education were not guaranteed an uninterrupted rest period of at least two weeks during summer holiday.[112]

53. Global Initiative to End All Forms of Corporal Punishment (GIEACP) reported that corporal punishment of children in Azerbaijan was lawful in the home, alternative care and day care settings and that it was unlawful in the penal system and in schools.[113] It recommended that Azerbaijan enact the draft Law on Protection of Children Against All Forms of Corporal Punishment to clearly prohibit all corporal punishment of children, however light, in every setting of their lives, as a matter of priority.[114]

54. Women and Modern World reported that child marriage was an acute problem in Azerbaijan[115] and that girls frequently left school at just 13–14 year olds.[116] It also reported that religious marriages left women without any legal claims in case of divorce, death of the spouse or child support, while a temporary marriage blessed by the religious authorities could happen parallel to the officially registered marriage with a different woman.[117] It recommended that Azerbaijan continue and improve the current efforts to eliminate child marriages as well as ensure that girls had completed secondary education before getting married.[118]

55. Women and Modern World reported noted high levels of infant mortality in Azerbaijan[119] recommending that Azerbaijan fully implement the "Action Program on Protection of Mother and Child Health" and ensure that all programs for maternal and infant health reach the rural areas, where the situation was even more serious than in the cities.

Persons with disabilities[120]

56. The CoE-SR Committee concluded in 2016 that Azerbaijan had not yet established the requirement that employers should make reasonable accommodation for persons with disabilities.[121]

57. In addition, the CoE-SR Committee concluded in 2016 that there was no legislation explicitly protecting persons with disabilities from discrimination in training.[122]

Minorities and indigenous peoples[123]

58. The Advisory Committee of the Council of Europe Framework Convention for the Protection of National Minorities expressed concern that the overall legislative framework pertaining to national minorities continues to be vague; a comprehensive system to collect information on the specific obstacles faced by persons belonging to national minorities in accessing rights is lacking; and that special measures to promote their full and effective equality are required.[124]

59. Unrepresented Nations and Peoples Organization (UNPO) stated that the 2009 census falsely reflected the complexity of the ethno linguistic map of Azerbaijan: the number of Lezghins as well as other ethnic minorities was intentionally decreased as an Azeri ethnic identity was imposed on many of them.[125] It noted that ethnic minorities no longer had the right to communicate with the local government in their own language.[126]

60. UNPO also noted that Talysh were prevented from receiving education in their native tongue and that lessons in Talysh from 1st to 4th grades were mandatory only on paper. It further noted that in practice, language classes had been replaced by other extracurricular activities and there remained a shortage of Talysh speaking teachers leading to the disappearance of Talysh language lessons in most schools.[127] UNPO highlighted that the Government did not provide sufficient teaching school materials in the languages of ethnic minorities. It further stated that Lezghin was taught as a foreign language in schools of the Qusar region, where 95% of the inhabitants are Lezghins and that the Lezghin textbooks that were available were imported from Russia and were not adapted for contemporary teaching.[128] UNPO also reported that there were no television channels broadcasting in minority languages and that there was no newspaper or TV programme providing information in Lezghin.[129]

61. UNPO reported that many Lezghins preferred to be identified as Azeris to avoid job discrimination, while many young Talysh were leaving to Russia to find work.[130] UNPO noted that poor education and medical services and high unemployment rates among Lezghin and Talysh populations had led to the desertification of these ethnic villages.[131]

Migrants, refugees, asylum seekers and internally displaced persons[132]

62. The CoE-ECRI regretted that no comprehensive current data were available in Azerbaijan on migrants' living conditions and countries of origin. It encouraged the authorities to develop a set of indicators and regularly collect current statistical data on these indicators in order to evaluate and improve the integration and the living conditions of migrants and their families in core areas such as educational outcome, labour market access, health and housing.[133]

63. The CoE-ECRI also regretted that the authorities had not developed an action plan or overall integration strategy addressing the integration needs of migrants in core areas such as housing, health, employment, education, equality and protection from discrimination.[134]

64. While welcoming the fact that the authorities had undertaken considerable efforts to improve the historical minorities' access to public services and to the labour market, the CoE-ECRI noted that many minorities inhabiting rural and mountainous areas still suffered from higher degrees of poverty and below-average health and education services.[135]

65. The CoE-ECRI noted that among the refugees and asylum seekers in the country (about 1,500 at the end of 2015), the largest groups were Afghans, followed by Chechens

and Pakistanis. The number of recognised refugees (about 4 per cent) was low. Chechens were denied access to the asylum procedure and there are no provisions on subsidiary protection.[136]

66. The CoE-ECRI also noted reports indicating that members of minorities are subject to discrimination and that officials perceive some minorities as a threat to the country. Enrolment in preschool education was generally low. It is often detrimental to children belonging to minorities, who should acquire, in addition to their mother tongue, sound knowledge of the official language before attending primary school.[137]

Stateless persons

67. The CoE-ECRI considered that the blanket prohibition for foreign nationals and stateless persons "to issue religious propaganda" (Article 76.6 of the Migration Code) and the official statement that they are not allowed to be members of a political party could not be justified, and that these discriminatory provisions should be removed.[138]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF International	ADF International;
AHR	Advocates for Human Rights;
Crude Accountability	Crude Accountability;
ECLJ	European Centre for Law and Justice;
Freedom Now	Freedom Now;
Forum 18	Forum 18;
GIEACP	The Global Initiative to End All Corporal Punishment of Children;
HRW	Human Rights Watch;
IBAHRI	International Bar Association's Human Rights Institute;
ICJ	International Commission of Jurists;
IPHR	International Partnership for Human Rights;
L4L	Lawyers for Lawyers;
ODVV	Organization for Defending Victims of Violence;
Women and Modern World	Center Women and Modern World;
UNPO	The Unrepresented Nations and People Organization.

Joint submissions:

JS1	**Joint submission 1 submitted by**: Article 19 Freedom Now, Index on Censorship, Institute for Reporters' Freedom and Safety, International Media Support, PEN International and Reporters without Borders, London,(The United Kingdom of Northern Ireland and Great Britain);
JS2	**Joint submission 2 submitted by**: Election Monitoring and Democracy Studies Center, Economic Research Center, Public Association for Assistance to Free Economy and Centre for Civil and Political Rights;
JS3	**Joint submission 3 submitted by**: Election Monitoring and Democracy Studies Centre, Human Rights Club, Legal Education Society, Human Rights House Foundation.

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France); Attachments;
ODHIR-OSCE	The Office of Democratic Institutions and Human Rights.

Organization for Security and Co-operation in Europe, Vienna Austria.

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] For relevant recommendations see A/HRC/24/13, paras.109.1-109.12.
[4] Forum 18, para. 3.
[5] For relevant recommendations, see A/HRC/24/13, paras. 109.13-109.17.
[6] JS1, paras 3-5.
[7] For relevant recommendations, see /HRC/24/13, paras. 109.55, 109.62-109.63, 109.141, 110.3.
[8] JS3, para 35.
[9] JS3, para 36.
[10] Women and Modern World, para 53.
[11] Women and Modern World, para 54.
[12] Women and Modern World, para 65.
[13] For relevant recommendations, see A/HRC/24/13, paras. 109.37, 109.46.
[14] Crude Accountability, p.1.
[15] Crude Accountability, p.1.
[16] Crude Accountability, p.2.
[17] Crude Accountability, p.3.
[18] For relevant recommendations, see A/HRC/24/13, paras. 109.70-109.78, 109.92-109.95.
[19] ODVV, p.2.
[20] ODVV, p.3.
[21] HRW, pp. 6-7.
[22] HRW, p. 7.
[23] Forum 18, para. 8.
[24] CoE submission, p. 5.
[25] For relevant recommendations, see A/HRC/24/13, paras. 109.90, 109.96-109.99, 110.1.
[26] IBAHRI, para 4.1.
[27] IBAHRI, para 4.9.
[28] JS3, para 11.

[29] International Commission of Jurists, para 10.
[30] International Commission of Jurists, para 15.
[31] International Commission of Jurists, para 17.
[32] Lawyers for Lawyers, paras 9-11.
[33] IBAHRI, para 4.17.
[34] CoE submission p. 7. See linked attachment on p. 7.
[35] For relevant recommendations, see A/HRC/24/13, paras. 109.26-109.29, 109.79, 109.102-109.140 and 110.2.
[36] ADF, para. 4.
[37] ECLJ, para 5.
[38] ECLJ, para 7. See also Forum 18, para 17.
[39] Freedom Now, para 16 and 18 and ADF International, para 6. See also UNPO, para 13.
[40] ECLJ, paras 10-12.
[41] Forum 18, paras 2-8, para 22. See also UNPO, para 14.
[42] Freedom Now, para 15.
[43] Forum 18, para 12.
[44] Forum 18, para 13.
[45] JS1, paras 10-11.
[46] JS1, para 12.
[47] JS2, para 21, IPHR, para 3.11 and Human Rights Watch, p. 5.
[48] JS2, para 22.
[49] Human Rights Watch, p.1 and Freedom Now, para 5.
[50] JS1, para 17.
[51] JS1, para 19.
[52] JS1, paras 6-8.
[53] JS2, para 16, IPHR, paras 3.10-3.11 and Human Rights Watch, p.2, see also ODVV, p.2.
[54] Freedom Now, para 6.
[55] JS1, para 21.
[56] JS1, para 22, IPHR, paras 3.4-3.8 and Human Rights Watch, p.4.
[57] JS1, para 29.
[58] JS1, para 30.
[59] JS1, para 31.
[60] Human Rights Watch, p.2 and JS1, para 28.
[61] ODHIR-OSCE, p. 3.
[62] IPHR, paras 1.19-1.12 and JS1, paras 33-35.
[63] JS1, paras 33-35.
[64] JS2, para 4, JS3, para 4, IPHR, paras 1.2-1.4 and Human Rights Watch, p. 6.
[65] JS1, para 36. See also IPHR, para 1.6.
[66] JS1, paras 36-37.
[67] JS1, para 40.
[68] JS2, para 5.
[69] JS1, para 40 and IPHR, paras 2.3-2.4.
[70] Freedom Now, para 7.
[71] JS1, para 40. See also JS3, para 13.
[72] ODHIR-OSCE, p. 2.
[73] For relevant recommendations, see A/HRC/24/13, paras. 109.84-109.87.
[74] CoE submission, p. 6. See linked attachment on p. 6.
[75] For relevant recommendations, see.
[76] Women and Modern World, para. 46.
[77] Women and Modern World, para 56.
[78] Women and Modern World, para 56.
[79] For relevant recommendations, see A/HRC/24/13, paras. 109.66, 109.151.
[80] CoE submission p. 10. See linked attachment on p. 10.
[81] CoE submission p. 10. See linked attachment on p. 10.
[82] Women and Modern World, para. 7.
[83] CoE submission, p. 6. See linked attachment on p. 6.

[84] CoE submission, p. 10. See linked attachment on p. 10.
[85] For relevant recommendations, see A/HRC/24/13, paras. 109.37, 109.141, 109.45-109.47 and 109.54.
[86] CoE submission, p. 3.
[87] For relevant recommendations, see A/HRC/24/13, paras. 109.42-109.46 and 109.149.
[88] CoE submission, p. 10. See linked attachment on p. 10.
[89] Women and Modern World, para 35.
[90] Women and Modern World, para 33.
[91] Women and Modern World, para 29.
[92] Women and Modern World, paras 68 and 72.
[93] For relevant recommendations, see A/HRC/24/13, paras. 109.144, 109.148-109.149.
[94] Women and Modern World, para 5.
[95] Women and Modern World, para 23.
[96] CoE submission, p. 6. See linked attachment on p. 6.
[97] For relevant recommendations, A/HRC/24/13, paras. 109.55-109.67, 109.80-109.83, 109.100-109.101.
[98] JS3, paras 30-32.
[99] JS3, para 33.
[100] Advocates for Human Rights, para 17.
[101] Advocates for Human Rights, para 1.
[102] Women and Modern World, para 11.
[103] Advocates for Human Rights, para 6.
[104] Advocates for Human Rights, para 14.
[105] Advocates for Human Rights, para 6.
[106] Advocates for human Rights, para 7.
[107] Women and Modern World, para 16.
[108] Women and Modern World, para 15.
[109] Women and Modern World, para 16.
[110] For relevant recommendations, see A/HRC/24/13, paras. 109.25, 109.48-109.50, 109.59, 109.82, 109.89, 109.96-109.97, 109.141, 109.152-109.154.
[111] CoE submission, p. 10. See linked attachment on p. 10.
[112] CoE submission, p. 10. See linked attachment on p. 10.
[113] GIEACP, para 2.
[114] GIEACP, para 1.3.
[115] Women and Modern World, para 21.
[116] Women and Modern World, para 23.
[117] Women and Modern World, para 26.
[118] Women and Modern World, para 33.
[119] Women and Modern World, paras 35 and 41.
[120] For relevant recommendations, see A/HRC/24/13, paras. 109.150-109.155.
[121] CoE submission, p. 10. See linked attachment on p. 10.
[122] CoE submission, p. 10. See linked attachment on p. 10.
[123] For relevant recommendations, see A/HRC/24/13, paras. 109.141.
[124] CoE Submission, p. 6. See linked attachment on p. 6.
[125] UNPO, para 10.
[126] UNPO, para 9.
[127] UNPO, para 11.
[128] UNPO, para 12.
[129] UNPO, para 16.
[130] UNPO, para 19.
[131] UNPO, para 20.
[132] For relevant recommendations, see A/HRC/24/13, paras. 109.68-109.69, 109.141, 109.156-109.158.
[133] CoE submission, p. 6. See linked attachment on p. 6.
[134] CoE submission, p. 6. See linked attachment on p. 6.
[135] CoE submission, p. 6. See linked attachment on p. 6.
[136] CoE submission, p. 6. See linked attachment on p. 6.
[137] CoE submission, p. 6. See linked attachment on p. 6.

[138] CoE submission, p. 6. See linked attachment on p. 6.